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FEDERAL REGISTER

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

MISCELLANEOUS AMENDMENTS TO CHAPTER

In order to conform Chapter IV of Title 6 of the Code of Federal Regulations to the present organizational structure of the Department of Agriculture in accordance with Memorandum No. 1458 of the Secretary of Agriculture, dated June 14, 1961, the following changes are made:

A. Subchapter A of Chapter IV is amended as follows:

1. Wherever the designation "Commodity Stabilization Service" appears, it is deleted and the designation "Agricultural Stabilization and Conservation Service" is substituted therefor.

2. Wherever the designation "Director of the Division or Commodity Stabilization Commodity Office" appears, it is deleted and the designation "Director of the Agricultural Stabilization and Conservation Service Division or Commodity Office" is substituted therefor.

3. Wherever the designation "Agricultural Stabilization and Conservation State Offices" appears, it is deleted and the designation "Agricultural Stabilization and Conservation Service State Offices" is substituted therefor.

4. Wherever the designation "Agricultural Stabilization and Conservation County Office" appears, it is deleted and the designation "Agricultural Stabilization and Conservation Service County Office" is substituted therefor.

5. Wherever the designation "Director, Grain Division, Commodity Stabilization Service" appears, it is deleted and the designation "Director, Grain Division, Agricultural Stabilization and Conservation Service" is substituted therefor.

B. Subchapter B of Chapter IV is amended as follows:

1. Wherever the designations "Commodity Stabilization Service" and "CSS" appear, they are deleted and the designations "Agricultural Stabilization and Conservation Service" and "ASCS," respectively, are substituted therefor.

2. Wherever the designation "CSS Commodity Office" appears, it is deleted and the designation "ASCS Commodity Office" is substituted therefor.

3. Wherever the designation "ASC County Office" appears, it is deleted and the designation "ASCS County Office" is substituted therefor.

4. Wherever the designations "Agricultural Stabilization and Conservation state and county offices" and "ASC state and county offices" appears, they are deleted and the designations "Agricultural Stabilization and Conservation Service state and county offices" and "ASCS state and county offices", respectively, are substituted therefor.

5. Wherever the designation "State Administrative Officer" appears, it is deleted and the designation "State Executive Director" is substituted therefor.

6. Wherever in Part 443, the designation "Deputy Administrator for Price Support, CSS" appears, it is deleted and the designation "Deputy Administrator, Price and Production, ASCS" is substituted therefor.

7. Wherever in Part 472 the designation "Deputy Administrator, Production Adjustment, CSS" appears, it is deleted and the designation "Deputy Administrator, State and County Operations, ASCS" is substituted therefor.

8. Wherever in Part 474 the designation "Deputy Administrator for Operations, CSS" appears, it is deleted and the designation "Deputy Administrator, Management, ASCS," is substituted therefor.

C. Subchapter C of Chapter IV is amended as follows:

1. Wherever the designations "Commodity Stabilization Service" or "CSS" appear, they are deleted and the designations "Foreign Agricultural Service" or "FAS", respectively, are substituted therefor.

2. Wherever the designations "CSS Commodity Office" or "Commodity Stabilization Service Commodity Office" appear, they are deleted and the designations "ASCS Commodity Office" and "Agricultural Stabilization and Conservation Service Commodity Office", respectively, are substituted therefor.

3. Wherever the designation "Director, Grain Division, CSS" appears, it is deleted and the designation "Director, Grain Division, ASCS" is substituted therefor.

4. Sections 481.156, 483.196, 483.296 and 484.155 are each amended to read "Vice President means the Vice President who is the Administrator, Foreign Agricultural Service".

5. Wherever the designation "Executive Vice President, CCC" appears, it is deleted and the designation Vice President who is "Administrator, FAS," is substituted therefor.

6. Wherever the designation "CSS Cotton Products and Export Operations Office" appears, it is deleted and the designation "ASCS Cotton Products and Export Operations Office" is substituted therefor.

Effective date. The foregoing amendments shall be effective December 30, 1961.

The foregoing amendments relate solely to matters of agency management and personnel and therefore are excepted from the requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003).

Done at Washington, D.C., this 30th day of December 1961.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-666; Filed, Jan. 19, 1962; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8430 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Kemworth Laboratories, Inc., and Harold H. Fisher

Subpart—Advertising falsely or misleadingly: § 13.130 *Manufacture or preparation;* § 13.195 *Safety:* § 13.195-60 *Product.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Kemworth Laboratories, Inc. et al., Orange, N.J., Docket 8430, Oct. 3, 1961]

In the Matter of Kemworth Laboratories, Inc., a Corporation, and Harold H. Fisher, Individually and as an Officer of Said Corporation

Consent order requiring distributors of drugs in Orange, N.J., including the preparations "Chorionic Gonadotropin Lyopholized", "Posterior Pituitary Solution, U.S.P.", and "Vitamin B-12 Solution", to cease representing falsely in advertisements in periodicals, by such statements as "Rigid quality control", that they employed an adequate control system.

The order to cease and desist is as follows:

It is ordered, That Kemworth Laboratories, Inc., a corporation and its officers, and Harold H. Fisher, individually and as an officer of said corporation, and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of drugs, do forthwith cease and desist, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement:

(a) Uses the term "quality control" or any other term or words of similar import or meaning; or

(b) Represents, directly or indirectly, that Respondents, or any of them, have

an adequate control system, or misrepresents the nature or extent of the procedures used by them in the manufacture, preparation or distribution of drugs;

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of drugs, which advertisement contains the term, words or representations prohibited in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-648; Filed, Jan. 19, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1962–63 Marketing Year

STATE AND COUNTY RESERVE ACREAGES AND COUNTY ACREAGE ALLOTMENTS FOR 1962 CROP

Sec.

730.1305 Basis and purpose.
730.1306 State reserve acreages.
730.1307 County acreage allotments and county reserve acreages.

AUTHORITY: §§ 730.1305 to 730.1307 issued under secs. 301, 353, 375, 52 Stat. 38, 61, as amended, 66; 7 U.S.C. 1301, 1353, 1375.

§ 730.1305 Basis and purpose.

(a) The State and county reserve acreages and county acreage allotments for 1962 crop rice contained in §§ 730.1306 and 730.1307 have been determined pursuant to and in conformity with the provisions of section 353 of the Agricultural Adjustment Act of 1938, as amended. Said sections are issued to announce: (1) State reserve acreage for new farms or new producers in each of the applicable rice-producing States; (2) State reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the producer States of Arizona, California, Florida, North Carolina, Tennessee, Texas, and the "producer administrative area" in Louisiana; and (3) county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the farm States of Arkansas, Illinois, Mississippi, Missouri, Oklahoma, South Carolina, and the "farm administrative area" in Louisiana. Since farm acreage acreage allotments for 1962 crop rice in the producer States, including the "producer administrative area" of Louisiana, will be established pursuant to the act primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm, the 1962 State acreage allotments of rice for those States will be apportioned directly to farms, and county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments will not be determined for such States.

(b) The determinations made in §§ 730.1306 and 730.1307 indicate the amount of State reserve acreages for new farms or new producers in each of the applicable rice-producing States, the amount of State reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the "producer States"; and the amount of county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the "farm States".

(c) The State and county reserve acreages in §§ 730.1306 and 730.1307 were established on the basis of the needs therefor as recommended by the State and county committees.

(d) The county acreage allotments in § 730.1307 were established by apportioning the State acreage allotment, minus the State acreage reserve for new farms, among the counties in the State in the same proportion that they shared in the total acreage allotted in 1956, as provided by section 353(c)(1) and section 353(c)(6) of the Agricultural Adjustment Act of 1938, as amended. No adjustments in county acreage allotments were made under the proviso in section 353(c)(1) of the act.

(e) Prior to the determination of State and county reserve acreages and county acreage allotments for 1962 crop rice, public notice (26 F.R. 8675) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or recommendations pertaining to the determination of the State and county reserve acreages and county acreage allotments for 1962 crop rice were submitted pursuant to such notice.

(f) The determinations made in §§ 730.1306 and 730.1307 have been made on the basis of the latest available statistics of the Federal Government as required by section 301(c) of the Agricultural Adjustment Act of 1938, as amended.

(g) Pursuant to the Agricultural Adjustment Act of 1938, as amended, marketing quotas on the 1962 crop of rice have been proclaimed (27 F.R. 145) and the date for the referendum to be held to determine whether farmers are in favor of or opposed to such quotas has been set for January 23, 1962 (27 F.R. 184). The act requires that, insofar as practicable, notices of farm acreage allotments, which are based on State and county allotments and reserves, be mailed to producers in time to be received prior to the referendum. Since the referendum will be held on January 23, 1962, it is necessary to waive the 30-day effective date provision of the Administrative Procedure Act as applied to the determinations herein. Accordingly, this document shall become effective upon filing with the Director, Office of the Federal Register.

§ 730.1306 State reserve acreages.

State	State reserve acreage for new farms or new producers	State reserve acreages for appeals, etc.[1] in producer States
Arizona	0	0
Arkansas	30	----
California	2,400	8,742
Florida	23	0
Illinois	0	----
Louisiana:		
Farm administrative area	50	----
Producer administrative area	5	0
Mississippi	50	----
Missouri	0	----
North Carolina	0	0
Oklahoma	0	----
South Carolina	15	----
Tennessee	0	3
Texas	0	50

[1] For appeals and corrections, missed producers, and adjustments in factored allotments in producer States and the "producer administrative area" in Louisiana.

§ 730.1307 County acreage allotments and county reserve acreages.

ARKANSAS

County	County acreage allotment	County reserve acreage[1]
Arkansas	76,480	10
Ashley	6,559	4
Chicot	9,799	4
Clark	558	0
Clay	7,876	2
Conway	11	0
Craighead	17,512	15
Crittenden	6,450	3
Cross	36,371	3
Dallas	72	0
Desha	14,112	5
Drew	4,637	0
Faulkner	462	0
Grant	34	0
Greene	5,514	2
Hot Spring	476	0
Independence	869	5
Jackson	20,276	3
Jefferson	17,394	0
Lafayette	882	0
Lawrence	8,433	3
Lee	8,573	9
Lincoln	9,438	0
Little River	410	0
Lonoke	39,260	4
Miller	755	0
Mississippi	1,542	0
Monroe	14,642	3
Perry	1,000	0.1
Phillips	5,175	100
Poinsett	38,457	10
Prairie	40,396	2
Pulaski	1,893	0
Randolph	2,269	0
St. Francis	18,739	2
White	1,165	2
Woodruff	20,359	4
State total	438,890	195.1

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

ILLINOIS

County	County acreage allotment	County reserve acreage [1]
Adams	22	0

LOUISIANA

FARM ADMINISTRATIVE AREA

Acadia	93,662	357
Allen	24,103	15
Avoyelles	2,790	139.5
Beauregard	5,017	50.2
Bossier	66	0
Calcasieu	66,143	38
Cameron	13,574	0
Evangeline	45,036	48.8
Grant	185	0
Iberia	6,433	15
Jefferson Davis	97,176	82
Lafayette	9,509	93.9
Rapides	574	0
St. Landry	17,149	47.7
St. Martin	4,143	10
St. Mary	3,204	0
Vermilion	115,057	185.9
Farm administrative area total	503,821	1,083

MISSISSIPPI

Bolivar	21,440	0
Coahoma	1,664	0
De Soto	1,487	0
Hancock	183	0
Humphreys	2,135	96
Issaquena	105	0
Leflore	3,873	0
Panola	79	0
Quitman	1,408	0
Sharkey	1,149	0
Sunflower	4,353	0
Tallahatchie	510	0
Tate	246	0
Tunica	3,082	0
Washington	9,579	0
State total	51,293	96

MISSOURI

Butler	1,581	0
Holt	2	0
Lewis	9	0
Lincoln	37	0
Marion	339	0
Mississippi	96	0
New Madrid	222	0
Pemiscot	653	0
Ripley	516	0
St. Charles	38	0
Scott	266	0
Stoddard	1,485	0
State total	5,244	0

OKLAHOMA

McCurtain	164	0

SOUTH CAROLINA

Berkeley	159	0
Charleston	518	0
Colleton	780	0
Georgetown	44	0
Horry	229	0
Jasper	1,386	0
State total	3,116	0

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

Effective date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 17, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-702; Filed, Jan. 18, 1962; 12:35 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.305 Orange Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 16, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., January 22, 1962, and ending at 12:01 a.m., e.s.t., February 5, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$^{\text{X}}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{14}/_{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of ten percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-704; Filed, Jan. 19, 1962; 8:51 a.m.]

[Grapefruit Reg. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.306 Grapefruit Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos

grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 16, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., January 22, 1962, and ending at 12:01 a.m., e.s.t., February 5, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–703; Filed, Jan. 19, 1962; 8:51 a.m.]

[Tangerine Reg. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.307 Tangerine Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when the section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 16, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title; 25 F.R. 8216).

(2) During the periods beginning at 12:01 a.m., e.s.t., January 22, 1962, and ending at 12:01 a.m., e.s.t., February 5, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2}$ x $9\frac{1}{2}$ x $19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–706; Filed, Jan. 19, 1962; 8:51 a.m.]

[Tangelo Reg. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.308 Tangelo Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 16, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., January 22, 1962, and ending at 12:01 a.m., e.s.t., February 5, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than $2\frac{7}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–705; Filed, Jan. 19, 1962; 8:51 a.m.]

[Navel Orange Reg. 3]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.303 Navel Orange Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 18, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 21, 1962, and ending at 12:01 a.m., P.s.t., January 28, 1962, are hereby fixed as follows:

(i) District 1: 300,000 cartons;
(ii) District 2: 350,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 19, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–761; Filed, Jan. 19, 1962; 11:23 a.m.]

[Lemon Reg. 3]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.303 Lemon Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part

910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 16, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 21, 1962, and ending at 12:01 a.m., P.s.t., January 28, 1962, are hereby fixed as follows:

(i) District 1: 18,600 cartons;

(ii) District 2: 167,400 cartons;

(iii) District 3: unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-677; Filed, Jan. 19, 1962; 8:50 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Modification of Reserve and Surplus Percentages for 1961–62 Crop Year

The Raisin Administrative Committee has unanimously recommended that the percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the 1961–62 crop year (which began September 1, 1961) which shall be reserve tonnage and surplus tonnage, heretofore designated (§ 989.217, 26 F.R. 9815) as 15 percent and 20 percent, respectively, be modified by reducing the reserve percentage to 10 percent and increasing the surplus percentage to 25 percent. The committee is established under, and its recommendation is made pursuant to, Marketing Agreement No. 109, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act."

On the basis of the estimated 1961 production of 208,000[1] tons of standard natural (sun-dried) Thompson Seedless raisins, the reserve percentage of 15 percent and the surplus percentage of 20 percent provide a reserve tonnage of 31,200 tons and a surplus tonnage of 41,600 tons, respectively. Modification of the reserve percentage from 15 to 10 percent and the surplus percentage from 20 to 25 percent will transfer about 10,400 tons from the reserve pool to the surplus pool. This transfer is necessary to make reserve tonnage not needed in free tonnage outlets available promptly as surplus tonnage for export to countries outside of the Western Hemisphere.

None of the present reserve tonnage has yet been sold by the committee to handlers to augment their supplies available to meet trade demand in free tonnage outlets and for carryout. It is estimated that at least 10,400 tons of the reserve tonnage will not be needed by handlers for these purposes.

However, the committee has disposed of nearly all of the present surplus tonnage. There now exists good demand for additional quantities of surplus tonnage for export through handlers to countries outside the Western Hemisphere, and the transfer will provide raisins for this demand. While any reserve tonnage held unsold by the committee on August 1, 1962 will then automatically become surplus tonnage available for export to such countries, the prompt transfer of about 10,400 tons of reserve tonnage to surplus will provide raisins to supply current export demand and facilitate orderly disposition in export of raisins deemed to be in excess of trade demand and carryout requirements for free tonnage.

In view of the foregoing, and on the basis of the recommendation of the Raisin Administrative Committee and other available information, it is hereby found that to modify the reserve and surplus percentages, as set forth hereinafter, will tend to effectuate the declared policy of the act.

Therefore, § 989.217 (26 F.R. 9815) is hereby revised by modifying the reserve and surplus percentages to read as follows:

§ 989.217 Free, reserve, and surplus tonnage percentages for the 1961–62 crop year.

The percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1961, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are designated as follows: Free tonnage percentage, 65 percent; reserve tonnage percentage, 10 percent; and surplus tonnage percentage, 25 percent.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) Under this regulatory program the percentages designated for a particular crop year and any modification thereof apply to all standard raisins of the applicable varietal type acquired by handlers from the beginning of the crop year, and most of the raisins for the current crop year have been acquired by handlers; (2) the current crop year began on September 1, 1961, and the modified percentages herein designated will automatically apply to such raisins acquired on and after that date; (3) prompt action to make the excess portion of the reserve tonnage of raisins available as surplus tonnage is necessary so that such raisins may be sold to meet current export demand, which may be lost to the California raisin industry if not promptly supplied; and (4) handlers are aware of the modification of the percentages recommended by the committee and no preliminary preparation is required to utilize or comply with this regulation.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 62-678; Filed, Jan. 19, 1962; 8:50 a.m.]

[1] All tonnage figures herein are in terms of natural condition weight.

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 64]

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Greater Kansas City marketing area (7 CFR Part 1064), it is hereby found and determined that:

(a) The following provision of the order, relating to the qualification of a supply plant as a pool plant does not tend to effectuate the declared policy of the Act for the period January 1962: In § 1064.10(b) the words "not less than 50 percent of its supply of".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will permit a supply plant to qualify as a pool plant if it ships any milk to pool distributing plants. Such qualification is needed to make available to the market milk which is needed for Class I sales during an emergency supply situation resulting from extremely cold and snowy weather.

(4) Cooperative associations and handlers who handle a substantial volume of the producer milk on the market have requested suspension of this provision.

Therefore, good cause exists for making this order effective for the period January 1962.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of January 1962.

Effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on January 17, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-679; Filed, Jan. 19, 1962; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 61—MONEY ORDERS

Signature Requirement for Cashing Money Orders

A notice of a proposed change in the signature requirements for cashing money orders in § 61.3(c) of Title 39, Code of Federal Regulations, was published in the FEDERAL REGISTER of December 9, 1961, at page 11838. Interested persons were given 30 days in which to submit written comments with respect to the proposal.

No comments have been received with respect to the proposed changes. Accordingly, the proposal is adopted without change. As so adopted, § 61.3(c) is amended by adding a new subparagraph (6) to read as follows:

§ 61.3 Cashing money orders.

* * * * *

(c) *Signature requirements.* * * *

(6) *More than one payee.* Money orders completed by purchaser to show more than one firm or person as payee may be paid to any of them.

NOTE: The corresponding Postal Manual section is 171.336.

(R.S. 161, as amended; 5 U.S.C. 522, 39 U.S.C. 501, 507, 5101–5105)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-675; Filed, Jan. 19, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1032; Amdt. 390]

PART 507—AIRWORTHINESS DIRECTIVES

Beech Model 35 Aircraft

Amendment 287 (AD 61–10–1) 26 F.R. 4283, requires inspection of the center section front and rear trusses of Beech Model 35 aircraft at 100-hour intervals. Because of the superiority of magnetic particle inspection over visual and dye penetrant inspections, which will not detect subsurface cracks, Amendment 287 is being superseded by a new directive which permits longer inspection intervals if magnetic particle inspection is used. Provision also is made for inspection periods to be increased when a heavier front truss is used for replacement.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and this amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BEECH. Applies to all Model 35 aircraft Serial Numbers D–1 through D–1500.

Compliance required as indicated.

Service records disclose that the visual inspections required by previous issues of this airworthiness directive have not adequately covered the entire wing center section steel trusses. Also, since the magnetic particle inspection is superior to other types of inspections in this application, longer intervals between such inspections are acceptable. Therefore, the following inspection in accordance with either (a) or (b) shall be accomplished.

In order to gain access to the forward and rear trusses, remove the front seat bottom, rear seat, front spar forward partition, rear spar partition and all floorboards adjacent to the forward and rear spars and disconnect the air duct located on the right side of the forward spar. Also remove any other adjacent installations as found necessary for access.

(a) Dye penetrant or visual inspection: Within 100 hours' time in service since the last inspection performed in accordance with AD 61–10–1, inspect the center section front and rear wing carry through spar steel trusses for cracks using either the dye penetrant inspection method or a thorough visual inspection with adequate lighting, a 3-power magnifying glass and mirror. The entire truss must be inspected; however, the areas most prone to cracks are the tubes and end fittings adjacent to the four wing attached points on each truss, and in the center sections where the diagonal and vertical tubes attach. Boiled linseed oil or linoil deposits on the truss exterior are likely indications of a crack through the tube wall. Give particular attention to areas near welds. If no cracks are found, repeat the above inspection each 100 hours' time in service. If indications of cracks are found verify by a magnetic particle inspection in accordance with (b). Cracked trusses shall be replaced or repaired prior to further flight in accordance with Beech Service Bulletin 35–24 as revised December 1961, or FAA approved equivalent. If the repairs permitted by Service Bulletin 35–24 are accomplished, the subsequent inspections shall be performed each 100 hours' time in service from the time the repairs were made. If a truss is replaced by one of the same type, the initial repetitive inspection shall be performed within 500 hours' time in service thereafter for the center section front truss and within 1,000 hours' time in service thereafter for the rear truss, and repeated every 100 hours' time in service thereafter.

(b) Magnetic particle inspection: Within the next 100 hours' time in service since the last inspection performed in accordance with AD 61–10–1 inspect the center section front and rear wing carry through spar steel trusses for cracks using the magnetic particle inspection procedures outlined in Beech Service Bulletin 35–24 as revised December 1961, or FAA approved equivalent. If no cracks are found reinspect within each 500 hours' time in service thereafter for the center section front truss and within each 1,000 hours' time in service thereafter for the rear truss. Cracked truss shall be replaced or repaired prior to further flight in accordance with Beech Service Bulletin 35–24 as revised December 1961, or FAA approved equivalent. If the repairs permitted by Service Bulletin 35–24 are accomplished, the two subsequent inspections of the affected truss shall be performed at 100 hours' and 400 hours' time in service from the time the repairs were made. If no cracks are found in the repaired truss during these two inspections or if a truss is replaced by one of the same type, the 500-hour or 1,000-hour intervals become applicable from the time of repair or replacement.

(c) If the front truss is replaced with the new heavier truss P/N 35–410030–17, the repetitive inspection of the front truss required by (a) and (b) shall not commence until 2,000 hours' time in service after replacement. This new truss is readily identifiable since all clips are clamped on instead of welded to the truss. Inspect the rear truss in accordance with either (a) or (b) even though the front truss is replaced.

(d) The inspection agency shall indicate on the airplane log whether one or both trusses were inspected.

(Beech Service Bulletin No. 35–24 as revised December 1961, covers this same subject.)

This supersedes Amendment 287, 26 F.R. 4283.

This amendment shall become effective January 20, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 15, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–639; Filed, Jan. 19, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–KC–32]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On September 21, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8910), stating that the Federal Aviation Agency proposed to realign and extend a segment of intermediate altitude VOR Federal airway No. 1676.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice the following action is taken:

Section 600.1676 (26 F.R. 1090) is amended to read:

§ 600.1676 VOR Federal airway No. 1676 (Chicago, Ill. to Windsor, Ont.).

From the Northbrook, Ill., VOR via the South Bend, Ind., VOR; thence 10-mile wide airway to the INT of the South Bend VOR 075° and the Muskegon, Mich., VOR 157° radials; thence via the INT of the South Bend VOR 075° and the Windsor, Ont., VOR 261° radials; to the INT of the Windsor VOR 261° and the Salem, Mich., VOR 123° radials; thence 10-mile wide airway to the Windsor VOR, excluding the portion which lies over Canada.

This amendment shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–641; Filed, Jan. 19, 1962; 8:45 a.m.]

[Airspace Docket No. 61–LA–77]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On September 28, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9137), stating that the Federal Aviation Agency proposed to alter intermediate altitude VOR Federal airway No. 1557 between Sacramento, Calif., and Linden, Calif.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following action is taken: In the text of § 600.1557 (26 F.R. 1087, 10428) "to the Linden, Calif., VOR; thence via the Sacramento, Calif., VOR; thence 10 mile wide airway via the INT of Sacramento VOR 346° and the Red Bluff, Calif., VOR 158° radials;" is deleted and "Linden, Calif., VOR; Sacramento, Calif., VOR; INT of the Sacramento VOR 346° and the Red Bluff, Calif., VOR 158° radials;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–642; Filed, Jan. 19, 1962; 8:45 a.m.]

[Airspace Docket No. 61–WA–242]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Transition Area

On December 27, 1961, there was published in the FEDERAL REGISTER (26 F.R. 12507), an amendment to Part 601 of the regulations of the Administrator. This amendment, effective January 11, 1962, designated the Gila Bend, Ariz., transition area (§ 601.10861).

Subsequent to publication of the amendment, it has been determined that this transition area penetrates the northern boundary of the Ajo, Ariz., Restricted Area (R–2301) and the Gila Bend Restricted Area (R–2305) by ¾ of a mile. To eliminate the conflict between the transition area and the restricted areas, action is taken herein to alter the description of the transition area by excluding the portions of the transition area that coincide with the restricted areas. This action will not require a change to the holding pattern procedures executed within this transition area.

Since this action is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In § 601.10861 (26 F.R. 12507), "20 miles W of the VORTAC." is deleted and "20 miles W of the VORTAC, excluding the portions which coincide with R–2301 and R–2305." is substituted therefor.

This amendment shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–645; Filed, Jan. 19, 1962; 8:45 a.m.]

[Airspace Docket No. 60–HO–4]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration

On March 25, 1961, there were published in the FEDERAL REGISTER (26 F.R. 2549), amendments to Parts 600 and 601 of the Regulations of the Administrator which, in part, designated the Breakers Intersection as the Intersection of the Honolulu, Hawaii, VORTAC 269° and the Lihue, Hawaii VOR 128° radials to become effective November 16, 1961. This effective date was postponed until February 8, 1962 (26 F.R. 9207, dated September 30, 1961).

In describing the Breakers Intersection, the Lihue VOR 128° radial was incorrectly cited. This should have read the Lihue VOR 130° radial. Action is taken herein to correct this error.

Since this alteration is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the final rule as amended may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60–HO–4 (26 F.R. 2549, 9207), Item 16., (b), (2), is altered to read as follows:

Breakers INT: INT of the Honolulu, Hawaii, VORTAC 269° and the Lihue, Hawaii, VOR 130° radials.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-640; Filed, Jan. 19, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-214]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Positive Control Area

On December 6, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11686), stating that the Federal Aviation Agency proposed to expand the Chicago, Ill./Indianapolis, Ind., positive control area.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.9011 (14 CFR 601.9011, 26 F.R. 5621) is amended to read:

§ 601.9011 Positive control area (Chicago, Ill.-Indianapolis, Ind.).

That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at:

Latitude 43°40'00" N., longitude 90°00'00" W.; thence to latitude 43°40'00" N., longitude 87°40'00" W.; thence to latitude 43°14'20" N., longitude 87°44'30" W.; thence to latitude 43°16'00" N., longitude 86°30'00" W.; thence to latitude 43°20'00" N., longitude 86°30'00" W.; thence to latitude 43°30'00" N., longitude 86°45'00" W.; thence to latitude 44°20'00" N., longitude 84°50'00" W.; thence to latitude 44°00'00" N., longitude 82°13'00" W.; thence southward and eastward along the United States/Canadian Border to latitude 43°38'00" N., longitude 76°47'30" W.; thence to latitude 42°45'00" N., longitude 76°50'00" W.; thence to latitude 40°45'00" N., longitude 78°35'00" W.; thence to latitude 40°15'00" N., longitude 78°25'00" W.; thence to latitude 38°33'00" N., longitude 80°55''00" W.; thence to latitude 38°00'00" N., longitude 81°00'00" W.; thence to latitude 37°00'00" N., longitude 83°40'00" W.; thence to latitude 37°40'00" N., longitude 87°30'00" W.; thence to latitude 38°30'00" N., longitude 88°00'00" W.; thence to latitude 39°22'00" N., longitude 88°00'00" W.; thence counterclockwise along an arc with a 65-statute mile radius centered at latitude 39°05'37" N., longitude 89°09'45" W.; to latitude 39°55'30" N., longitude 88°35'30" W.; thence to latitude 40°03'00" N., longitude 89°07'00" W.; thence counterclockwise along an arc with a 29-statute mile radius centered at latitude 39°-53'32" N., longitude 89°37'31" W.; to latitude 40°17'20" N., longitude 89°48'00" W.; thence to latitude 40°08'30" N., longitude 90°10'00" W.; thence to latitude 41°00'00" N., longitude 90°50'00" W.; thence to latitude 42°00'00" N., longitude 91°00'00" W.; thence to latitude 43°10'00" N., longitude 90°30'00" W.; thence to the point of beginning.

This amendment shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-643; Filed, Jan. 19, 1962; 8:45 a.m.]

[Airspace Docket No. 61-KC-38]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Continental Control Area

On September 23, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8990), stating the Federal Aviation Agency was considering the alteration of the Camp Atterbury, Ind., Restricted Area R-3401 by increasing the designated altitude, increasing the designated time of use and assigning as controlling agency the Federal Aviation Agency, Indianapolis ARTC Center. In addition it was proposed to include R-3401 as part of the continental control area.

No adverse comment was received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 608.34 *Indiana,* R-3401 Camp Atterbury, Ind. (26 F.R. 7194), is amended to read:

R-3401 Camp Atterbury, Ind.:
Boundaries. Beginning at latitude 39°21'-30" N., longitude 86°06'00" W.; to latitude 39°21'30" N., longitude 85°59'30" W.; to latitude 39°13'00" N., longitude 86°06'00" W.; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.
Using agency. Commanding officer, Camp Atterbury, Ind.

2. In the text of § 601.7101 (26 F.R. 1399) the following is added:

R-3401 Camp Atterbury, Ind.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-644; Filed, Jan. 19, 1962; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55548]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Ports of Entry; Changes in Customs Field Organization

JANUARY 15, 1962.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), the limits of the customs port of entry of Atlanta, Georgia, in Customs Collection District No. 17 (Georgia) which now comprise the corporate limits of the city of Atlanta, Georgia, are hereby extended to include:

All that area within Fulton, Cobb, and DeKalb Counties, Georgia, bounded by a line beginning at the point of intersection of Fulton, Clayton, and Fayette County lines; thence southwest along Fulton-Fayette County line to intersection with State Route 92; thence northwest along State Route 92 to intersection with Chattahoochee River; thence northeast along Chattahoochee River to intersection with State Route 3; thence northwest along State Route 3 to intersection with State Route 280; thence southeast along State Route 280 to intersection with U.S. Highway 41; thence southeast along U.S. Highway 41 to intersection with Chattahoochee River; thence along Chattahoochee River in a northeasterly direction to intersection with Fulton-Gwinett County line; thence south along Gwinett County line to intersection with U.S. Highway 23; thence in a southerly direction along U.S. Highway 23 to intersection with State Route 155; thence south along State Route 155 to intersection with Decatur city boundary; thence east and south along Decatur city boundary to intersection with State Route 155; thence south along State Route 155 to intersection with Flat Shoals Road; thence along Flat Shoals Road four-tenths (0.4) mile to intersection with Panthersville Road; thence south along Panthersville Road to intersection with Bouldercrest Road; thence south along Bouldercrest Road to intersection with DeKalb-Clayton County line; thence west and south along Clayton County line to point of beginning, and also the Atlanta Municipal Airport which lies partly in Fulton County and partly in Clayton County.

This extension is effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

Section 1.1(c), Customs regulations, is amended by adding after "Atlanta" in the column headed "Ports of Entry" in District No. 17 (Georgia) "(including territory described in T.D. 55548)."

In order to correctly reflect the status of Hawaii as a State, the second sentence of footnote 4 in Part 1 of the Customs regulations is amended to read as follows:

Marine documents may also be issued at the Commercial Port of Guam, under the supervision of the collector of customs at Honolulu, Hawaii.

In order to correctly reflect the status of Puerto Rico as a commonwealth, § 1.1(c) of the Customs regulations is amended by deleting "The Territory of Puerto Rico" in the column headed "Area of District" in District No. 40 (Puerto Rico) and substituting therefor "The Commonwealth of Puerto Rico."

Salisbury, Maryland, was designated as a customs station in Customs Collection District No. 13 (Maryland) on July 5, 1961. To reflect this designation, § 1.2 (d), Customs regulations is amended by inserting in its proper numerical order the following entry in the list of customs stations:

District No.	Customs station	Port of entry having supervision
13	Salisbury, Md	Baltimore.

In order to show district numbers for the various comptrollers of customs districts, the listing of assignments of customs districts to comptrollers of customs in § 1.4 of the Customs regulations is changed to read as follows:

Comptroller district	Address	Customs districts
1	Customhouse, Boston, Mass.	1, 2, 4, 5, 6, and 7.
2	Customhouse, New York, N.Y.	8, 9, and 10.
3	Customhouse, Philadelphia, Pa.	11, 12, 38, 40, 41, 42, and 43.
4	Customhouse, Baltimore, Md.	13, 14, 15, 16, 17, 18, 49, and 51.
5	Customhouse, Chicago, Ill.	33, 34, 35, 36, 37, 39, 45, and 47.
6	Customhouse, New Orleans, La.	19, 20, 21, 22, 23, 24, 26, and 50.
7	Customhouse, San Francisco, Calif.	25, 27, 28, 29, 30, 31, and 32.

In order to correct the addresses for the office locations of appraisers of merchandise in customs districts Nos. 1, 5, 12, 15, 17, 30, 34, 35, and 45, the following descriptions are substituted in § 1.6 of the Customs Regulations to replace those now appearing therein:

District No.	Name of district	Location of headquarters	Address of appraiser of merchandise
34	Dakota	Pembina, N. Dak	202 Federal Bldg.
17	Georgia	Savannah, Ga	1-3 E. Bay St.
1	Maine and New Hampshire	Portland 3, Maine	Box 583, Pearl St. Station.
35	Minnesota	Minneapolis 1, Minn	150 U.S. Courthouse.
15	North Carolina	Wilmington, N.C	Rm. 204, Princess and Water Sts.
12	Pittsburgh	Pittsburgh 19, Pa	7th Ave. and Grant St.
5	Rhode Island	Providence 3, R. I	24 Weybosset St.
45	St. Louis	St. Louis 1, Mo	1114 Market St.
30	Washington	Seattle 4, Wash	34 Federal Office Bldg.

(R.S. 161, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-674; Filed, Jan. 19, 1962; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Enriched Corn Meals; Standard of Identity; Effective Date

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of November 28, 1961 (26 F.R. 11209) with regard to calcium in self-rising enriched corn meals. Accordingly, the amendment promulgated by that order will become effective January 27, 1962.

(Secs. 401, 701, 52 Stat. 1046, 1055; as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: January 15, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-662; Filed, Jan. 19, 1962; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141a.29, 141a.45, 141a.54, 141a.60, 141a.100, 141b.111, 141c.214, 141c.218, 141c.230, 141c.231, 141d.301, 141e.430) are amended as indicated below:

1. Section 141a.29(a) is amended to read as follows:

§ 141a.29 Procaine penicillin for aqueous injection.

(a) *Potency.* Using as the sample for assay a representative aliquot of the suspension equivalent to one dose (or, if it is a dry mixture of the drug, a representative aliquot of the drug equivalent to one dose after it has been reconstituted as directed in the labeling), proceed as directed in § 141a.1, using approximately 50 to 100 milliliters of redistilled methyl alcohol, dimethyl formamide, or formamide to dissolve the sample, or by the iodometric method as described in § 141a.5(d)(1), except dissolve the sample in about 5.0 milliliters of redistilled methyl alcohol, dimethyl formamide, or formamide prior to diluting with 1 percent phosphate buffer, pH 6.0. Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

2. Section 141a.45(a) is amended to read as follows:

§ 141a.45 *l*-Ephenamine penicillin G for aqueous injection.

(a) *Potency.* Proceed as directed in § 141a.43(a), using as the sample for assay a representative aliquot of the suspension equivalent to one dose; or if it is a dry mixture of the drug, a representative aliquot of the drug equivalent to one dose after it has been reconstituted as directed in the labeling. Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

3. Section 141a.54(a) is amended to read as follows:

§ 141a.54 Benzathine penicillin G for aqueous injection.

(a) *Potency.* Proceed as directed in § 141a.47(a), using as the sample for assay a representative aliquot of the suspension equivalent to one dose; or if it is a dry mixture of the drug, a representative aliquot of the drug equivalent to one dose after it has been reconstituted as directed in the labeling. Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

§ 141a.60 [Amendment]

4. In § 141a.60 *Penicillin and dihydrostreptomycin-streptomycin sulfates veterinary* * * *, a new sentence is inserted after "(a) *Potency.*"

(a) *Potency.* Use as the sample for assay a representative aliquot of the suspension equivalent to one dose; or if it is a dry mixture of the drug, a rep-

resentative aliquot of the drug equivalent to one dose after it has been reconstituted as directed in the labeling.

§ 141a.100 [Amendment]

5. In § 141a.100 *Phenethicillin potassium (potassium α-phenoxyethyl penicillin)*, paragraph (h) is revised to read as follows:

(h) *Identity.* Add 0.5 milliliter of a methyl alcohol solution containing 2.0 milligrams per milliliter to a test tube, and dry under a current of air. Add one drop of an aqueous chromotropic acid solution containing 10 milligrams per milliliter. Add two milliliters of sulfuric acid and heat in a glycerol bath at 150° C. for 3 to 4 minutes. An olive-green color is produced. (Penicillin V or its salts give a blue or purple color.)

§ 141b.111 [Amendment]

6. In § 141b.111 *Streptomycin sulfate solution* * * *, paragraph (a) is amended by changing "and 141b.106(b)" to read "and 141b.106 (b) and (c)".

7. Section 141c.214(a) is amended to read as follows:

§ 141c.214 Chlortetracycline dressing.

(a) *Potency.* Using appropriate volumes of peroxide-free ether and 0.01 *N* HCl and individual dressing, or if it is a strip dressing an accurately weighed representative portion of approximately 1.5 grams, proceed as directed in § 141c.202(a).

§ 141c.218 [Amendment]

8. In § 141c.218 *Tetracycline hydrochloride,* paragraph (a) is amended to read as follows:

(a) *Potency.* Use the tetracycline hydrochloride working standard as the standard of comparison, and proceed as directed in § 141c.201(a), except:

(1) Use 0.1 *N* HCl instead of 0.01 *N* HCl for the preparation of the standard stock solution and the sample stock solution.

(2) In the cylinder-plate assay:

(i) Further dilute the samples in 0.1 *M* phosphate buffer, pH 4.5, to an estimated final concentration of 1.0 microgram per milliliter instead of 0.10 microgram per milliliter; and

(ii) The final concentrations for the standard curve are 0.64, 0.8, 1.0, 1.25, and 1.56 micrograms per milliliter.

(3) In the turbidimetric assay:

(i) Further dilute the samples in 0.1 *M* phosphate buffer, pH 4.5, to an estimated final concentration of 0.24 microgram per milliliter instead of 0.06 microgram per milliliter; and

(ii) The final concentrations for the standard curve are 0.146, 0.187, 0.240, 0.308, and 0.395 microgram per milliliter.

The potency of tetracycline hydrochloride intended for use by injection is satisfactory if each immediate container contains not less than 90 percent of the tetracycline hydrochloride that it is represented to contain.

§ 141c.230 [Amendment]

9. In § 141c.230 *Chlortetracycline hydrochloride powder topical* * * *, paragraph (a)(2) is changed to read as follows:

(a) *Potency.* * * *

(2) *Powder packaged with inert gases.* Spray, as directed in the labeling, the entire contents of each container to be tested into a separate 2-liter Erlehmeyer flask, held in a horizontal position. Add 500 milliliters of 0.1 *N* HCl and shake to dissolve the contents. Immediately remove aliquots of this solution and, using 0.1 *M* potassium phosphate buffer, pH 4.5, for further dilutions, proceed as directed in § 141c.201(a) if it is chlortetracycline hydrochloride powder or § 141c.218(a) if it is tetracycline hydrochloride powder. Calculate the average total amount of antibiotic expelled from the containers. The total potency is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride that it is represented to contain.

§ 141c.231 [Amendment]

10. Section 141c.231 *Capsules tetracycline and oleandomycin phosphate* * * * is amended as follows:

a. Paragraph (a)(1)(ii) is amended to read as follows:

(a) *Potency.* * * *

(1) * * *

(ii) *Working standard and solutions.* Dissolve an appropriate amount of the working standard in sufficient 0.1 *N* HCl to give a concentration of 1,000 micrograms per milliliter. This stock solution may be kept in the refrigerator for 1 week. Make daily dilutions of the stock solution with 0.1 M potassium phosphate buffer (pH 4.5) to obtain concentrations of 0.146, 0.187, 0.240, 0.308, and 0.395 micrograms per milliliter. Add 1.0 milliliter of each such concentration to each of three 16 millimeters x 125 millimeters test tubes.

b. Paragraph (c)(1)(vi) is amended by changing the words "as described in subdivision (ii)(*b*)" to read "as described in subdivision (ii)(*a*)".

11a. Section 141d.301(a)(3) is amended to read as follows:

§ 141d.301 Chloramphenicol.

(a) *Potency.* * * *

(3) *Working standard.* Dissolve a weighing of the standard in sufficient ethyl alcohol to give a solution of 10,000 micrograms per milliliter. Further dilute in 1 percent phosphate buffer, pH 6.0, to give a stock solution of 1,000 micrograms per milliliter. This stock solution may be used for 1 month if stored in a refrigerator. The working standard is prepared from the stock solution by diluting a portion with 1 percent phosphate buffer, pH 6.0, to a concentration of 50 micrograms per milliliter.

§ 141d.301 [Amendment]

b. In § 141d.301, paragraph (a)(7) is amended by changing the fourth sentence to read as follows: "At the same time, prepare a standard curve by diluting the stock standard solution with 1 percent phosphate buffer, pH 6.0, to give final concentrations of 32.0, 40.0, 50.0, 62.5, and 78.1 micrograms per milliliter."

§ 141c.430 [Amendment]

12. In § 141c.430 *Bacitracin-neomycin-polymyxin powder topical;* * * *, paragraph (b) is amended by changing the second sentence to read: "Freeze the container by placing in a suitable sharp freezing unit having a temperature not higher than —30° C."

The setting of the effective date of this order will be delayed 30 days to permit any interested person to file comments or objections. Any such comments should be submitted in triplicate to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: January 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-664; Filed, Jan. 19, 1962; 8:47 a.m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sampling Requirements

In the matter of amending the regulations for the certification of penicillin and penicillin-containing drugs to require collection of samples during the time the batch is being packaged into market containers:

There was published in the FEDERAL REGISTER of March 11, 1961 (26 F.R. 2127) a proposal to amend the regulations affecting the collection of samples of tablets, troches, and capsules of antibiotic and antibiotic-containing drugs subject to section 507 of the Federal Food, Drug, and Cosmetic Act. The Commissioner of Food and Drugs has considered comments and objections to the proposal, some of which are accepted and some rejected, and has concluded that changes in the regulations should be made with respect only to penicillin and penicillin-containing drugs.

Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(b), 59 Stat. 463, as amended; 701(a), 52 Stat. 1055; 21 U.S.C. 357(b), 371(a)), and delegated to the Commissioner by the Secretary (25 F.R. 8625), the regulations for certification of penicillin and penicillin-containing drugs (21 CFR 146a.17 (26 F.R. 7733), 146a.21, 146a.27, 146a.30, 146a.34, 146a.38, 146a.53, 146a.60, 146a.88, 146a.92, 146a.106) are amended as follows:

1. Section 146a.17(d)(1), (d)(2)(i), (d)(3)(i), and (e)(1) is changed to read as follows:

§ 146a.17 Phenethicillin potassium (potassium-phenoxyethyl penicillin) tablets.

* * * * *

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a

batch of phenethicillin potassium tablets shall submit with his request a statement showing the batch mark, the number of tablets in such batch, the number of tablets of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each tablet, the date on which the latest assay of the drug comprising such batch was completed, the date (unless submitted previously) on which the latest assay of the phenethicillin potassium used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) * * *

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of tablets collected during the time of tableting the batch, and, unless the tablets are packaged into dispensing-size containers immediately after they are compressed, average moisture of tablets collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of tablets collected during each day the tablets are being packaged into dispensing-size containers.

* * * * *

(3) * * *

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal;

(*b*) If, after tableting, such person packages the batch into dispensing-size containers: 20 tablets collected at equal intervals during each day the tablets are being packaged, except that this sample is not required if the tablets are packaged immediately after they are compressed;

or

(*c*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of tablets filled by such person into dispensing-size containers during each day's packaging operations): One tablet for each 5,000 tablets, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout each day of packaging the tablets that the quantities packaged during the intervals are approximately equal.

* * * * *

(e) *Fees.* * * *

(1) $0.75 for each tablet in the samples submitted in accordance with paragraph (d) (3) (i) (*a*) and (*c*) of this section; $3.00 for the sample submitted in accordance with paragraph (d) (3) (i) (*b*) of this section; $5.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (iii) of this section.

2. Section 146a.21 (d) (1), (d) (2) (i), (d) (3) (i), and (e) (1) is changed to read as follows:

§ 146a.21 Capsules penicillin-tetracycline phosphate complex-novobiocin-nystatin veterinary.

* * * * *

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark; the number of capsules in such batch; the number of capsules of the batch packaged into dispensing-size containers during each day's packaging operations; the batch marks and (unless submitted previously) the dates on which the latest assays of the penicillin, tetracycline phosphate complex, novobiocin, and nystatin used in making such batch were completed; the quantity of each ingredient used in making the batch; the date on which the latest assay of the drug comprising such batch was completed; and a statement that each other ingredient used conforms to the requirements prescribed therefor by this section.

(2) * * *

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of capsules collected during the time of capsuling the batch, and, unless the capsules are packaged into dispensing-size containers immediately after they are capsuled, average moisture of capsules collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of capsules collected during each day the capsules are being packaged into dispensing-size containers.

* * * * *

(3) * * *

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One capsule for each 5,000 capsules in the batch, but in no case less than 30 capsules collected by taking single capsules at such intervals throughout the entire time of capsuling the batch that the quantities capsuled during the intervals are approximately equal;

(*b*) If, after capsuling, such person packages the batch into dispensing-size containers: 20 capsules collected at equal intervals during each day the capsules are being packaged, except that this sample is not required if the capsules are packaged immediately after they are capsuled;

or

(*c*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of capsules filled by such person into dispensing-size containers during each day's packaging operations): One capsule for each 5,000 capsules, but in no case less than 30 capsules collected by taking single capsules at such intervals throughout each day of packaging the capsules that the quantities packaged during the intervals are approximately equal.

* * * * *

(e) *Fees.* * * *

(1) $1.50 for each capsule in the samples submitted in accordance with paragraph (d) (3) (i) (*a*) and (*c*) of this section; $3.00 for the sample submitted in accordance with paragraph (d) (3) (i) (*b*) of this section; $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), (v), and (vi) of this section.

3. Section 146a.27(d) (1), (d) (2) (i), (d) (3) (i), and (e) (1) is amended to read as follows:

§ 146a.27 Penicillin tablets.

* * * * *

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of tablets in such batch, the number of tablets of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each tablet, the date on which the latest assay of the drug comprising such batch was completed, the date (unless submitted previously) on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) * * *

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of tablets collected during the time of tableting the batch, and, unless the tablets are packaged into dispensing-size containers immediately after they are compressed, average moisture of tablets collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of tablets collected during each day the tablets are being packaged into dispensing-size containers.

* * * * *

(3) * * *

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal;

(*b*) If, after tableting, such person packaged the batch into dispensing-size

containers: 20 tablets collected at equal intervals during each day the tablets are being packaged, except that this sample is not required if the tablets are packaged immediately after they are compressed;

or

(c) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of tablets filled by such person into dispensing-size containers during each day's packaging operations): One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout each day of packaging the tablets that the quantities packaged during the intervals are approximately equal.

* * * * *

(e) *Fees.* * * *

(1) $0.75 for each tablet in the samples submitted in accordance with paragraph (d) (3) (i) (a) and (c) of this section; $3.00 for the sample submitted in accordance with paragraph (d) (3) (i) (b) of this section; $4.00 for each package submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section:

4. Section 146a.30 (d) (1), (d) (2) (i), (d) (3) (i), and (e) (1) is amended in the following respects:

§ 146a.30 Penicillin troches.

* * * * *

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of troches in such batch, the number of troches of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each troche, the date on which the latest assay of the drug comprising such batch was completed, the batch mark and date (unless submitted previously) on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) * * *

(i) The batch:

(a) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of troches collected during time of making them, and, unless the troches are packaged into dispensing-size containers immediately after they are manufactured, average moisture of troches collected during each day of packaging the batch.

(b) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of troches collected during each day the troches are being packaged into dispensing-size containers.

* * * * *

(3) * * *

(i) The batch:

(a) If the person who requests certification is the manufacturer of the batch: One troche for each 5,000 troches in the batch, but in no case less than 30 troches collected by taking single troches at intervals throughout the entire time of making them that the quantities made during the intervals are approximately equal;

(b) If, after manufacturing, such person packages the batch into dispensing-size containers: 20 troches collected at equal intervals during each day the troches are being packaged, except that this sample is not required if the troches are packaged immediately after they are manufactured;

or

(c) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of troches filled by such person into dispensing-size containers during each day's packaging operations); one troche for each 5,000 troches, but in no case less than 30 troches collected by taking single troches at such intervals throughout each day of packaging the troches that the quantities packaged during the intervals are approximately equal.

* * * * *

(e) *Fees.* * * *

(1) $0.75 for each troche without masticatory substance in the samples submitted in accordance with paragraph (d) (3) (i) (a) and (c) of this section; $2.00 for each troche with masticatory substance in such sample; $3.00 for the sample submitted in accordance with paragraph (d) (3) (i) (b) of this section; $4.00 for each package submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

5. Section 146a.34 (d) (1), (d) (2) (i), (d) (3) (i), and (e) (1) is amended in the following respects:

§ 146a.34 Tablets aluminum penicillin.

* * * * *

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of tablets in such batch, the number of tablets of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each tablet, the date on which the latest assay of the drug comprising such batch was completed, the batch mark and date (unless submitted previously) on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) * * *

(i) The batch:

(a) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of tablets collected during the time of tableting the batch, and, unless the tablets are packaged into dispensing-size containers immediately after they are compressed, average moisture of tablets collected during each day of packaging the batch.

(b) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of tablets collected during each day the tablets are being packaged into dispensing-size containers.

* * * * *

(3) * * *

(i) The batch:

(a) If the person who requests certification is the manufacturer of the batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal;

(b) If, after tableting, such person packages the batch into dispensing-size containers: 20 tablets collected at equal intervals during each day the tablets are being packaged, except that this sample is not required if the tablets are packaged immediately after they are compressed;

or

(c) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of tablets filled by such person into dispensing-size containers during each day's packaging operations): One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout each day of packaging the tablets that the quantities packaged during the intervals are approximately equal.

* * * * *

(e) *Fees.* * * *

(1) $0.75 for each tablet in the samples submitted in accordance with paragraph (d) (3) (i) (a) and (c) of this section; $3.00 for the sample submitted in accordance with paragraph (d) (3) (i) (b) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

6. Section 146a.38 (d) (1), (d) (2) (i), (d) (3) (i), and (e) (1) is amended to read as follows:

§ 146a.38 Capsules buffered penicillin with pectin hydrolysate (capsules buffered potassium penicillin with pectin hydrolysate).

* * * * *

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of capsules in such batch, the number of capsules of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each capsule, the

date on which the latest assay of the drug comprising such batch was completed, the batch mark and (unless submitted previously) the date on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) * * *

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of capsules collected during the time of capsuling the batch and, unless the capsules are packaged in dispensing-size containers immediately after they are capsuled, average moisture of capsules collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of capsules collected during each day the capsules are being packaged into dispensing-size containers.

* * * * *

(3) * * *

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One capsule for each 5,000 capsules in the batch, but in no case less than 30 capsules collected by taking single capsules at such intervals throughout the entire time of capsuling the batch that the quantities capsuled during the intervals are approximately equal;

(*b*) If, after capsuling, such person packages the batch into dispensing-size containers: 20 capsules, collected at equal intervals during each day the capsules are being packaged, except that this sample is not required if the capsules are packaged immediately after they are capsuled;

or

(*c*) If the person who requests certification is not the manufacturer of the batch (for the purpose of certification, a batch shall be that number of capsules filled by such person into dispensing-size containers during each day's packaging operations): One capsule for each 5,000 capsules in the batch, but in no case less than 30 capsules collected by taking single capsules at such intervals throughout each day of packaging the capsules that the quantities packaged during the intervals are approximately equal.

* * * * *

(e) *Fees.* * * *

(1) $0.75 for each capsule in the samples submitted in accordance with paragraph (d) (3) (i) (*a*) and (*c*) of this section; $3.00 for the sample submitted in accordance with paragraph (d) (3) (i) (*b*) of this section; $4.00 for each package submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

§ 146a.53 [Amendment]

7. In § 146a.53 *Capsules penicillin and novobiocin,* paragraph (b) (3) is amended by changing subdivision (i) to read as follows:

(i) $1.00 for each capsule submitted in accordance with the requirements of § 146a.27 (d) (3) (i) (*a*) and (*c*).

§ 146a.60 [Amendment]

8. In § 146a.60 *Penicillin-bacitracin troches* * * *, paragraph (b) (1) is amended to read as follows:

(1) $1.00 for each troche submitted in accordance with the requirements of § 146a.30 (d) (3) (i) (*a*) and (*c*).

§ 146a.88 [Amendment]

9. In § 146a.88 *Penicillin-streptomycin tablets* * * *, paragraph (b) (1) is amended to read as follows:

(1) $1.00 for each tablet submitted in accordance with the requirements of § 146a.27 (d) (3) (i) (*a*) and (*c*).

§ 146a.92 [Amendment]

10. In § 146a.92 *Tablets benzathine penicillin G and crystalline penicillin,* paragraph (d) is changed to read as follows:

(d) The fee for the services rendered shall be $1.00 for each tablet submitted in accordance with the requirements of § 146a.27 (d) (3) (i) (*a*) and (*c*).

§ 146a.106 [Amendment]

11. In § 146a.106 *Tablets benzathine penicillin G and penicillin V,* paragraph (d) (1) is amended to read as follows:

(1) $1.00 for each tablet submitted in accordance with the requirements of § 146a.27 (d) (3) (i) (*a*) and (*c*).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issue for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 507, 701, 59 Stat. 463 as amended, 52 Stat. 1055 as amended; 21 U.S.C. 357, 371)

Dated: January 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-665; Filed, Jan. 19, 1962; 8:47 a.m.]

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Chlortetracycline or Tetracycline Hydrochloride Powder Topical; Changes in Expiration Dates

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 146c.230) are amended as follows:

Section 146c.230 is amended as set forth below:

1. Paragraph (c) (1) (iii) is amended to read as follows:

§ 146c.230 Chlortetracycline hydrochloride powder topical; tetracycline hydrochloride powder topical.

* * * * *

(c) *Labeling* * * *

(1) * * *

(iii) The statement "Expiration date _____," the blank being filled in with one of the following dates:

(*a*) If it is chlortetracycline hydrochloride powder topical, 48 months after the month during which the batch was certified.

(*b*) If it is tetracycline hydrochloride powder topical, 24 months after the month during which the batch was certified, except that the date that is 36 months, 48 months, or 60 months after the month during which the batch was certified may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by paragraph (a) of this section.

(*c*) If it is packaged with inert gases, 24 months.

2. In paragraph (f) *Exemption of chlortetracycline hydrochloride powder* * * *, subparagraph (2) is amended to read as follows:

(f) * * *

(2) The labels bear an expiration date that is 48 months, if it is chlortetracycline hydrochloride powder topical, or 24 months, if it is tetracycline hydrochloride powder topical, after the month in which the batch was last assayed and released by the manufacturer, except, if it is tetracycline hydrochloride powder topical, the date that is 36 months, 48 months, or 60 months may be used if the manufacturer has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by paragraph (a) of this section.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the

changes are such that they cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data as required by section 507 of the Federal Food, Drug, and Cosmetic Act.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 15, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-663; Filed, Jan. 19, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1457—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

Treatment of Contracts With Price Adjustment Provisions

Section 1457.5(c) *When price revision precedes renegotiation* is amended by deleting "1456.3(b) (2) and (3)" in the second sentence and inserting in lieu thereof "1466.4(c) (2) and (3)".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: January 17, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62-672; Filed, Jan. 19, 1962; 8:49 a.m.]

PART 1472—CONDUCT OF RENEGOTIATION

Filing of Information and Requests by Contractor

1. Section 1472.6(d) *Place for filing* is amended by deleting the names and addresses of the Regional Boards in subparagraph (1) and inserting in lieu thereof the following:

Eastern Regional Renegotiation Board, 1634 Eye Street NW., Washington 25, D.C.
Western Regional Renegotiation Board, 5504 Hollywood Boulevard, Los Angeles 28, Calif.

2. Section 1472.6(e) (2) *Hours of business* is amended by deleting the words "Los Angeles Regional Renegotiation Board" and inserting in lieu thereof "Western Regional Renegotiation Board".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: January 17, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62-673; Filed, Jan. 19, 1962; 8:49 a.m.]

No. 14——3

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Lewes and Rehoboth Canal, Delaware, and Satilla River, Georgia

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.237a is hereby prescribed to govern the operation of the Delaware State Highway Department bridges across the Lewes and Rehoboth Canal at Rehoboth, Delaware, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.237a Lewes and Rehoboth Canal, Del.; Delaware State Highway Department bridges at Rehoboth.

(a) The owner of or agency controlling these bridges will not be required to keep draw tenders in attendance from 5:00 p.m. to 7:00 a.m.

(b) Whenever a vessel unable to pass under the closed bridges desires to pass through the draws from 5:00 p.m. to 7:00 a.m., at least 24 hours' advance notice of the time opening is required must be given to the authorized representative of the owner of or agency controlling the bridges to insure prompt opening thereof at the time required.

(c) On receipt of such advance notice the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draws on signal at approximately the time specified in the notice.

(d) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representatives specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

[Regs., Dec. 29, 1961, 285/91 (Lewes and Rehoboth Canal, Del.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended revoking paragraph (h) (20) governing the operation of the State Highway Department of Georgia bridge across Satilla River near Burnt Fort, Georgia, effective on publication in the FEDERAL REGISTER since the bridge has been removed, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* * * *

(20) Satilla River, Ga; State Highway Department of Georgia bridge near Burnt Fort. [Revoked]

[Regs., Dec. 29, 1961, 285/91 (Satilla River, Ga.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-637; Filed, Jan. 19, 1962; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 1 of Title 41 is amended as set forth below:

PART 1–1—GENERAL

Subpart 1–1.7—Small Business Concerns

1. Section 1–1.710 of the table of contents is revised as follows:

Sec.
1–1.710 Subcontracting with small business concerns.
1–1.710–1 General.
1–1.710–2 Small business subcontracting program.
1–1.710–3 Required clauses.
1–1.710–4 Review of subcontracting program.

2. Section 1–1.710 is revised to read as follows:

§ 1–1.710 Subcontracting with small business concerns.

§ 1–1.710–1 General.

(a) It is the policy of the Government to enable small business concerns to be considered fairly as subcontractors and suppliers to contractors performing work or rendering services as prime contractors or subcontractors under Government procurement contracts, and to assure that prime contractors and subcontractors having small business subcontracting programs will consult through the appropriate procuring agency with the Small Business Administration when requested by SBA. However, the Small Business Administration is not authorized to prescribe the extent to which any contractor or subcontractor shall subcontract or specify the concerns to which subcontracts shall be granted, and is not vested with authority respecting the administration of individual prime contracts or subcontracts. (See § 1–1.805 for subcontract-

ing policies with respect to labor surplus area concerns.)

(b) This § 1–1.710 sets forth the program for furtherance of this policy and, together with Subpart 1–3.9, prescribes the contract clauses and procedures for use in carrying out the small business subcontracting program.

(c) As used in this Subpart 1–1.7, the term subcontractor includes a supplier and applies at any level of performance of the contract; and the term subcontract includes a purchase order.

§ 1–1.710–2 Small business subcontracting program.

The Government's small business subcontracting program requires Government prime contractors to assume an affirmative obligation with respect to subcontracting with small business concerns. In contracts which range from $5,000 to $500,000, the contractor undertakes the obligation of accomplishing the maximum amount of small business subcontracting which is consistent with the efficient performance of the contract. This undertaking is set forth in the contract clause prescribed in § 1–1.710–3(a). In contracts which may exceed $500,000, the contractor is required, pursuant to the clause set forth in § 1–1.710–3(b), to undertake a number of specific responsibilities designed to assure that small business concerns are considered fairly in the subcontracting role and to impose similar responsibilities on major subcontractors. (The liaison officer required by the latter clause may also serve as liaison officer for labor surplus area matters.)

§ 1–1.710–3 Required clauses.

(a) The Utilization of Small Business Concerns clause, set forth below, shall be included in all contracts in amounts which may exceed $5,000 except (1) contracts which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico, and (2) contracts for services which are personal in nature:

UTILIZATION OF SMALL BUSINESS CONCERNS

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

[End of Clause]

(b) The Small Business Subcontracting Program clause, set forth below, shall be included in all contracts which may exceed $500,000, which contain the clause required by § 1–1.710–3(a) and which, in the opinion of the procuring activity, offer substantial subcontracting possibilities. Furthermore, prime contractors who are to be awarded contracts which may not exceed $500,000, but which, in the opinion of the procuring activity, offer substantial subcontracting possibilities, shall be urged to accept this clause.

SMALL BUSINESS SUBCONTRACTING PROGRAM

(a) The Contractor agrees to establish and conduct a small business subcontracting program which will enable small business concerns to be considered fairly as subcontractors and suppliers under this contract. In this connection, the Contractor shall—

(1) Designate a liaison officer who will (i) maintain liaison with the Government on small business matters, (ii) supervise compliance with the Utilization of Small Business Concerns clause, and (iii) administer the Contractor's "Small Business Subcontracting Program."

(2) Provide adequate and timely consideration of the potentialities of small business concerns in all "make-or-buy" decisions.

(3) Assure that small business concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of small business concerns. Where the Contractor's lists of potential small business subcontractors are excessively long, reasonable effort shall be made to give all such small business concerns an opportunity to compete over a period of time.

(4) Maintain records showing (i) whether each prospective subcontractor is a small business concern, (ii) procedures which have been adopted to comply with the policies set forth in this clause, and (iii) with respect to the letting of any subcontract (including purchase orders) exceeding $10,000, information substantially as follows:

(A) Whether the award went to large or small business.

(B) Whether less than three or more than two small business concerns were solicited.

(C) The reason for non-solicitation of small business if such was the case.

(D) The reason for small business failure to receive the award if such was the case when small business was solicited.

The records maintained in accordance with (iii) above may be in such form as the Contractor may determine, and the information shall be summarized quarterly and submitted by the purchasing department of each individual plant or division to the Contractor's cognizant small business liaison officer. Such quarterly summaries will be considered to be management records only and need not be submitted routinely to the Government; however, records maintained pursuant to this clause will be kept available for review.

(5) Notify the Contracting Officer before soliciting bids or quotations on any subcontract (including purchase orders) in excess of $10,000 if (i) no small business concern is to be solicited, and (ii) the Contracting Officer's consent to the subcontract (or ratification) is required by a "Subcontracts" clause in this contract. Such notice will state the Contractor's reasons for non-solicitation of small business concerns, and will be given as early in the procurement cycle as possible so that the Contracting Officer may give SBA timely notice to permit SBA a reasonable period to suggest potentially qualified small business concerns through the Contracting Officer. In no case will the procurement action be held up when to do so would, in the Contractor's judgment, delay performance under the contract.

(6) Include the Utilization of Small Business Concerns clause in subcontracts which offer substantial small business subcontracting opportunities.

(7) Cooperate with the Contracting Officer in any studies and surveys of the Contractor's subcontracting procedures and practices that the Contracting Officer may from time to time conduct.

(8) Submit such information on subcontracting to small business concerns as is called for the Contracting Officer.

(b) A "small business concern" is a concern that meets the pertinent criteria established by the Small Business Administration and set forth in § 1–1.701 of the Federal Procurement Regulations.

(c) The Contractor agrees that, in the event he fails to comply with his contractual obligations concerning the small business subcontracting program, this contract may be terminated, in whole or in part, for default.

(d) The Contractor further agrees to insert, in any subcontract hereunder which may exceed $500,000 and which contains the Utilization of Small Business Concerns clause, provisions which shall conform substantially to the language of this clause, including this paragraph (d), and to notify the Contracting Officer of the names of such subcontractors.

[End of Clause]

§ 1–1.710–4 Review of subcontracting program.

(a) The adequacy of the contractor's "Small Business Subcontracting Program" shall be reviewed by the procuring agency concerned, and any deficiencies shall be brought to the attention of the contractor's liaison officer with a request for corrective action.

(b) Each procuring agency shall assist the Small Business Administration to obtain such reasonably obtainable information and records concerning the subcontracting of its prime contractors and its subcontractors, having contracts which contain the Small Business Subcontracting Program clause, as the Small Business Administration may deem necessary. Accordingly, the contracting officer may separately or together with a representative of SBA, periodically conduct studies and surveys of the contractor's subcontracting procedures and practices and those of his subcontractors. Such studies and surveys may originate with the procuring agency in order to have available the pertinent data concerning subcontracting by its primes, or, if such data is not currently available, the studies and surveys may originate upon the request of the Small Business Administration for such data. On the basis of the foregoing studies, surveys, and records, the Small Business Administration may make recommendations to the procuring agency regarding methods for increasing small business participation in the contractor's subcontract awards. SBA and the procuring agency will freely interchange, at the operating level, information resulting from these surveys.

(c) Subcontracting records maintained by Government offices shall be made available for review, as requested by SBA.

Subpart 1–1.8—Labor Surplus Area Concerns

3. Section 1–1.805 of the table of contents is revised as follows:

Sec.
1–1.805–2 Labor surplus area subcontracting program.
1–1.805–3 Required clauses.
1–1.805–4 Review of subcontracting program.

4. Section 1–1.805 is revised to read as follows:

§ 1–1.805 Subcontracting with labor surplus area concerns.

§ 1–1.805–1 General.

(a) In furtherance of the general policy stated in § 1–1.802, procuring agencies shall encourage certain prime contractors to place subcontracts with concerns which will perform a substantial proportion of the production in areas of labor surplus, where this can be done consistent with efficient performance of contracts and at prices no higher than are obtainable elsewhere. (See § 1–1.710 for subcontracting policies with respect to small business concerns.)

(b) As used in this Subpart 1–1.8, the term subcontractor includes a supplier and applies at any level of performance of the contract; and the term subcontract includes a purchase order.

§ 1–1.805–2 Labor surplus area subcontracting program.

The Government's labor surplus area subcontracting program requires Government prime contractors to assume an affirmative obligation with respect to subcontracting with labor surplus area concerns. In contracts which range from $5,000 to $500,000, the contractor undertakes the obligation of using his best efforts to place his subcontracts with concerns which will perform such subcontracts substantially in areas of labor surplus, where this can be done consistent with the efficient performance of the contract and at prices no higher than are obtainable elsewhere. This undertaking is set forth in the contract clause prescribed in § 1–1.805–3(a). In contracts which may exceed $500,000, the contractor is required, pursuant to the clause set forth in § 1–1.805–3(b), to undertake a number of specific responsibilities designed to assure achievement of the objectives referred to above and to impose similar responsibilities on major subcontractors. (The liaison officer required by the latter clause may also serve as liaison officer for small business matters.)

§ 1–1.805–3 Required clauses.

(a) The Utilization of Concerns in Labor Surplus Areas clause, set forth below, shall be inserted in all contracts in amounts which may exceed $5,000, except—

(1) Contracts with foreign contractors which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico;

(2) Contracts for services which are personal in nature; and

(3) Contracts for construction.

UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS

It is the policy of the Government to place contracts with concerns which will perform such contracts substantially in areas of persistent or substantial labor surplus, where this can be done consistent with the efficient performance of the contract and at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy. In complying with the foregoing and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (a) persistent labor surplus area concerns which are also small business concerns; (b) other persistent labor surplus area concerns: (c) substantial labor surplus area concerns which are also small business concerns; (d) other substantial labor surplus area concerns; and (e) small business concerns which are not labor surplus area concerns.

[End of Clause]

(b) The Labor Surplus Area Subcontracting Program clause, set forth below, shall be included in all contracts which may exceed $500,000, which contain the clause required by § 1–1.805–3(a) and which, in the opinion of the procuring activity, offer substantial subcontracting possibilities. Furthermore, prime contractors who are to be awarded contracts which may not exceed $500,000 but which, in the opinion of the procuring activity, offer substantial subcontracting possibilities, shall be urged to accept this clause.

LABOR SURPLUS AREA SUBCONTRACTING PROGRAM

(a) The Contractor agrees to establish and conduct a program which will encourage labor surplus area concerns to compete for subcontracts within their capabilities. In this connection, the Contractor shall—

(1) Designate a liaison officer who will (i) maintain liaison with duly authorized representatives of the Government on labor surplus area matters, (ii) supervise compliance with the Utilization of Concerns in Labor Surplus Areas clause, and (iii) administer the Contractor's "Labor Surplus Area Subcontracting Program";

(2) Provide adequate and timely consideration of the potentialities of labor surplus area concerns in all "make-or-buy" decisions;

(3) Assure that labor surplus area concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of labor surplus area concerns;

(4) Maintain records showing procedures which have been adopted to comply with the policies set forth in this clause; and

(5) Include the Utilization of Concerns in Labor Surplus Areas clause in subcontracts which offer substantial labor surplus area subcontracting opportunities.

(b) A "labor surplus area concern" is a concern which will perform, or cause to be performed, a substantial proportion of any contract awarded to it in "Areas of Substantial Labor Surplus" (also called "Areas of Substantial Unemployment"), as designated by the Department of Labor. A concern shall be deemed to perform a substantial proportion of a contract in a labor surplus area if the costs that the concern will incur on account of manufacturing or production performed in persistent or substantial labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the price of such contract.

(c) The Contractor further agrees to insert, in any subcontract hereunder which may exceed $500,000 and which contains the Utilization of Concerns in Labor Surplus Areas clause, provisions which shall conform substantially to the language of this clause, including this paragraph (c), and to notify the Contracting Officer of the names of such subcontractors.

[End of Clause]

§ 1–1.805–4 Review of subcontracting program.

The adequacy of the contractor's "Labor Surplus Area Subcontracting Program" shall be reviewed by the procuring agency concerned, and any deficiencies shall be brought to the attention of the contractor's liaison officer with a request for corrective action.

PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1–2.4—Opening of Bids and Award of Contract

In § 1–2.407–6, paragraph (b) is amended to read as follows:

§ 1–2.407–6 Equal low bids.

* * * * *

(b) If the application of (a) of this § 1–2.407–6 results in two or more bidders being eligible for award, the award shall be made to the bidder who will make the most extensive use of small business subcontractors. If two or more bidders still remain eligible for award, award shall be made by a drawing by lot limited to such bidders. If time permits, the bidders involved shall be given an opportunity to be present at the drawing by lot. Such drawing shall be witnessed by at least three persons and the contract file shall contain the names and addresses of those witnesses.

PART 1–3—PROCUREMENT BY NEGOTIATION

1. In § 1–3.000, paragraph (b) is amended by deleting subparagraphs (6) through (8) and including a new subparagraph (6). As so amended, paragraph (b) reads as follows:

§ 1–3.000 Scope of part.

* * * * *

(b) This part sets forth the following policies and procedures:

(1) The basic requirements for the procurement of property and services by means of negotiation;

(2) The different circumstances under which negotiation is permitted;

(3) Determinations and findings that may be required before a contract is entered into by negotiation;

(4) Types of negotiated contracts and their use;

(5) Price negotiation policies and techniques; and

(6) Subcontracting policies and procedures.

Subpart 1–3.1—Use of Negotiation

2. In § 1–3.102, paragraph (n) is amended to read as follows:

§ 1–3.102 Factors to be considered in negotiated contracts.

* * * * *

(n) Consideration of subcontracting, with the extensive use of small business subcontractors being considered a favorable factor.

3. The table of contents is amended to include new Subpart 1–3.9 as follows:

Subpart 1–3.9—Subcontracting Policies and Procedures

AUTHORITY: §§ 1–3.900 to 1–3.903 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); sec. 8, 72 Stat. 389, 15 U.S.C. 637, sec. 7, Public Law 87–305.

4. Subpart 1–3.9 is added to read as follows:

Subpart 1–3.9—Subcontracting Policies and Procedures

§ 1–3.900 Scope of subpart.

This subpart sets forth policies and procedures for the evaluation, review, and approval of a contractor's "make-or-buy" program, purchasing system, and proposed subcontracts.

§ 1–3.901 General.

(a) Information as to the contractor's "make-or-buy" program, purchasing system, and proposed subcontracts may be important to (1) negotiation of reasonable contract prices (see § 1–3.808–5), (2) assurance of satisfactory contract performance, or (3) carrying out Government policies regarding small business (see § 1–1.710–1), labor surplus areas (see § 1–1.805–1), acquisition and use of Government facilities, maintenance of mobilization base, or other policies which may be appropriate to the particular procurement. Therefore, Government surveillance of a contractor's "make-or-buy" program, purchasing system, and proposed subcontracts is required as set forth in this Subpart 1–3.9. Where "make-or-buy" decisions and subcontracting will have a substantial impact on any of the above mentioned factors, the contractor's "make-or-buy" program and subcontracting should, to the extent practicable, be evaluated and agreed on during negotiations.

(b) The subcontracting policies and procedures in this Subpart 1–3.9 should generally be applied to procurement where (1) the item, system, or work is complex, the dollar value is substantial, or competition is restricted, and (2) either (i) cost-reimbursement, price redetermination, or incentive-type contracts are to be used, or (ii) make-or-buy decisions are expected to have a substantial impact on negotiations leading to a firm fixed-price contract.

§ 1–3.902 "Make-or-buy" programs.

§ 1–3.902–1 Review of program.

(a) A "make-or-buy" program is that part of a contractor's written plan for the development or production of an end item which outlines the major components, assemblies, subassemblies, and parts to be manufactured (including testing, treating, and assembling) in his own facilities, and those which will be obtained elsewhere by subcontract. A "make" item is any item produced, or work performed, by the contractor or his affiliate, subsidiary, or division.

(b) (1) Where the nature of the procurement is such that, in view of the factors referred to in § 1–3.901(b), review of the "make-or-buy" program is appropriate or is otherwise considered essential, the prospective contractor shall be required to submit his proposed "make-or-buy" program, together with sufficient related data, to the contracting officer for evaluation of such factors in (e) of this § 1–3.902–1 as are pertinent.

(2) At the time a request for proposals is issued, the procuring agency shall request potential suppliers to furnish a "make-or-buy" program on all negotiated procurements except as otherwise provided in (3), (4), or (5) of this § 1–3.902–1(b).

(3) A "make-or-buy" program will not be required when a proposed contract has a total estimated value of less than $1,000,000 unless the contracting officer specifically determines that a "make-or-buy" program is appropriate.

(4) Research and development contracts are exempt from the provisions of this § 1–3.902 unless it can reasonably be anticipated that follow-on quantities of the product will be procured.

(5) A "make-or-buy" program will not be required if the contracting officer determines that none of the factors in § 1–3.901(b) are applicable.

(c) The contractor will be informed that the program he submits should be confined to important items which, because of their complexity, quantity, cost or requirement for additional Government facilities, normally would require company management review of the make-or-buy decision. "Detail parts" or "off-the-shelf" items will not be incorporated in a "make-or-buy" program unless their potential impact on such program or production schedule makes their inclusion necessary. If the design status of the end item being procured is not sufficiently advanced to permit accurate precontract identification of all items that may be subject to "make-or-buy" decisions, the contractor shall be notified that such items must be submitted, when identifiable under the terms of the Changes to Make-or-Buy Program clause (see § 1–3.902–3).

(d) The contractor shall be required to submit, with his proposal, a "make-or-buy" program of important items including in addition to information required by § 1–3.902–1(b), (1) a description by which each such item can be readily identified, (2) a recommendation to make or buy the item or defer the decision, (3) when feasible, the names of proposed subcontractors, and (4) the important items to be made by the contractor, including a designation of the plant and division in which the contractor proposes to perform the work.

(e) "Make-or-buy" programs shall be evaluated and agreed upon by the contractor and the procuring activity at the earliest practicable time during negotiations. In reviewing the "make-or-buy" program during the negotiations, the effect of the following factors on the interests of the Government shall be considered:

(1) The effect of the contractor's plan to make-or-buy, as the case may be, on price, quality, delivery, and performance.

(2) Whether the contractor plans to broaden his base of subcontractors through competition.

(3) Whether the contractor has properly considered the competence, abilities, experience, and capacities available within other firms.

(4) Whether small business concerns can produce the item or perform the work in question and at what price.

(5) Whether the contractor or major subcontractors propose to do work in plant, the nature of which differs significantly from their normal in-plant operations or for which they are not historically suited.

(6) Whether production of the item or performance of the work will create a requirement, either directly or indirectly, for additional facilities to be furnished by the Government, or the continued use of Government-owned facilities, by the contractor or by subcontractors.

(7) Whether the contractor proposed to ask the Government to furnish additional facilities to do the work in plant for which there is capacity elsewhere which is competitive in quality, delivery, and overall cost, and is acceptable as a source to the contractor.

(8) Whether the item or work has been subcontracted on this or previous contracts.

(9) Other factors, such as the nature of the item, experience with similar items, future requirements, engineering, tooling, starting load costs, market conditions, and the availability of personnel and material.

(f) The procuring agency will review the "make-or-buy" program to determine if all appropriate items are included or if it contains items that should be deleted because of their relatively minor importance. In all considerations relative to a "make-or-buy" program, the procuring agency will obtain the advice and assistance of all appropriate personnel whose knowledge would contribute to the adequacy of the review.

(g) Before agreeing to a "make-or-buy" program (or consenting to any change therein which, in the opinion of the contracting officer, would reduce the anticipated participation of small business), the procuring activity shall invite the advice and counsel of the SBA by permitting SBA representatives (regularly assigned to the activity) to review all pertinent facts and make recommendations thereon. Such review by SBA should be concurrent with the review by the procuring activity (or, in the case of changes, the contracting officer). Where urgent circumstances do not permit such a concurrent review, or where SBA fails to respond on a timely basis, the contracting officer shall include an explanatory statement in the contract file and shall transmit a copy to the SBA representative.

(h) After agreement on the program is reached, the contracting officer shall

notify the contractor as to the Government's approval of the program and shall inform the contractor as to any requirement for further review during performance of the contract. For example, if follow-on procurements occur, the procuring activity and the contractor will review the existing "make-or-buy" program to determine whether it should be revised.

§ 1–3.902–2 Approval of programs.

(a) Proposed "make" items shall not be agreed to when the products or services under consideration:

(1) Are not regularly manufactured or provided by the contractor, and are available—quality, quantity, delivery, and other essential factors considered—from other firms at prices no higher than if the contractor makes or provides the product or service; or

(2) Are regularly manufactured or provided by the contractor, and are available—quality, quantity, delivery, and other essential factors considered—from other firms at prices lower than if the contractor makes or provides the product or service;

Provided, That such items may be agreed to, notwithstanding (1) and (2), if in the opinion of the contracting officer the overall cost of the contract to the Government would be increased if the items were "bought".

(b) Approval of the contractor's purchasing system shall not constitute approval of the "make-or-buy" program.

§ 1–3.902–3 Contract clause.

The following clause shall be incorporated in all cost-reimbursement, price redetermination, or incentive type contracts as to which a "make-or-buy" program has been agreed upon:

CHANGES TO MAKE-OR-BUY PROGRAM

The Contractor agrees to perform this contract in accordance with the "make-or-buy" program attached to this contract, except as hereinafter provided. If the Contractor desires to change the "make-or-buy" program, he shall notify the Contracting Officer in writing of the proposed change reasonably in advance and shall submit justification in sufficient detail to permit evaluation of the proposed change. Changes in the place of performance of work on any "make" item in the "make-or-buy" program are subject to this requirement. With respect to items deferred at the time of negotiation of this contract for later addition to the "make-or-buy" program, the Contractor shall notify the Contracting Officer of each proposed addition at the earliest possible time, together with justification in sufficient detail to permit evaluation. The Contractor shall not, without the written consent of the Contracting Officer, make changes or additions to the program. However, in his discretion, the Contracting Officer may ratify in writing any changes or additions. The "make-or-buy" program attached to this contract shall be deemed to be modified in accordance with the written consent or ratification by the Contracting Officer.

[End of Clause]

§ 1–3.902–4 Administration of program.

(a) On applicable contracts, the cognizant contract administration office will establish a procedure with the contractor to assure timely compliance with the terms of the contract clause. This procedure will include provisions for processing changes to the established "make-or-buy" program and for obtaining "make-or-buy" decisions for items reserved for deferred decisions or unidentified at the time of contract negotiations.

(b) When a "make-or-buy" program is agreed upon with a contractor, or there are changes or additions to a "make-or-buy" program, the consideration given each item on such program will be documented in the contract file. If a contract (including supplemental agreements for new procurement) except one specifically exempted by § 1–3.902–1(b), does not include the Changes to Make-or-Buy Program clause, the contracting officer will document the contract file with a written statement of facts to sustain and make clear the appropriateness of the determination not to include the clause. Such determination will be based on one of the following: (1) the contract is on a firm fixed-price basis; (2) the contract is not exempt but there are no items which can be identified as requiring a "make-or-buy" program as defined in § 1–3.902–1(a); or (3) a deviation has been approved.

§ 1–3.903 Review and approval of contractor's purchasing system and subcontracts. [Reserved]

PART 1–7—CONTRACT CLAUSES

Subpart 1–7.1—Fixed-Price Supply Contracts

1. The table of contents is amended to revise the caption for § 1–7.101–26 and include a new § 1–7.101–27 as follows:

Sec.

1–7.101–26 Small business subcontracting program.

1–7.101–27 Labor surplus area subcontracting program.

2. Section 1–7.101 is amended by revising §§ 1–7.101–21, 1–7.101–25, and 1–7.101–26, and adding § 1–7.101–27, to read as follows:

§ 1–7.101 Clauses.

* * * * *

§ 1–7.101–21 Utilization of small business concerns.

Insert the clause set forth in § 1–1.710–3(a) under the conditions and in the manner prescribed therein.

* * * * *

§ 1–7.101–25 Utilization of concerns in labor surplus areas.

Insert the clause set forth in § 1–1.805–3(a) under the conditions and in the manner prescribed therein.

§ 1–7.101–26 Small business subcontracting program.

Insert the clause set forth in § 1–1.710–3(b) under the conditions and in the manner prescribed therein.

§ 1–7.101–27 Labor surplus area subcontracting program.

Insert the clause set forth in § 1–1.805–3(b) under the conditions and in the manner prescribed therein.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); sec. 8, 72 Stat. 389, 15 U.S.C. 637, sec 7, P.L. 87–305)

Effective date. These regulations are effective immediately.

Dated: January 17, 1962.

BERNARD L. BOUTIN,
Administrator of General Services.

Approved: January 9, 1962.

JOHN E. HORNE,
Administrator, Small Business Administration.

[F.R. Doc. 62–744; Filed, Jan. 19, 1962; 9:36 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2587]

[1878190]

ALASKA

Partly Revoking Executive Order No. 8877 of August 29, 1941

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8877 of August 29, 1941, as amended by Public Land Order No. 1404 of April 3, 1957, and which withdrew public lands and water areas below mean high tide, described by metes and bounds, for use of the War Department for military purposes, is hereby revoked so far as it affects the following areas:

VICINITY OF SEWARD

(1) Rocky Point Area, approximately 4,650 acres.

(2) Resurrection Peninsula Area, approximately 900 acres.

(5) Rugged Island Area, approximately 1,020 acres.

VICINITY OF KODIAK

(1) North Cape, Spruce Island Area, approximately 520 acres.

(2) South Point and East Cape, Spruce Island Area, approximately 1,980 acres.

The areas described total in the aggregate approximately 9,070 acres, of which approximately 3,200 acres are withdrawn for other purposes.

2. Until 10:00 a.m. on April 16, 1962, the State of Alaska shall have a preferred right to select the lands released from withdrawal by this order in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

3. Beginning at 10:00 a.m. on April 16, 1962, the lands shall be subject to operation of the public land laws generally, including the mining laws, subject to valid existing rights and equitable claims, the provisions of existing with-

drawals, and the requirements of applicable law, rules, and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 15, 1962.

[F.R. Doc. 62-649; Filed, Jan. 19, 1962; 8:45 a.m.]

[Public Land Order 2588]

[Idaho 08932]

IDAHO

Withdrawing Lands for Reclamation Purposes; Snake River Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The following described public lands are hereby withdrawn in the first form from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Bureau of Reclamation in connection with the Mountain Home Division, Snake River Project:

BOISE MERIDIAN

T. 4 S., R. 2 E.,
Sec. 25, NW¼SW¼.
T. 1 S., R. 3 E.,
Sec. 25, SE¼SW¼ and S½SE¼.
T. 1 S., R. 4 E.,
Sec. 13, lot 3, SW¼NE¼, and NE¼NW¼;
Sec. 31, lots 3, 4, and E½SW¼.
T. 2 S., R. 4 E.,
Sec. 2, S½;
Sec. 3, lots 2, 3, 4, SW¼NE¼, S½NW¼, E½SW¼;
Sec. 5, lots 3, 4, S½NW¼, SE¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼;
Sec. 7, lots 1, 2, E½NW¼, E½SE¼;
Sec. 8, SW¼;
Sec. 17, N½NE¼, SW¼NE¼, N½NW¼, NW¼SE¼, SE¼SW¼;
Sec. 20, N½NW¼, E½SW¼;
Sec. 25, NE¼;
Sec. 29, SW¼NW¼, SW¼, S½SE¼;
Sec. 33, W½NW¼, SW¼.
T. 3 S., R. 4 E.,
Sec. 3, SW¼.
T. 5 S., R. 4 E.,
Sec. 1, lots 2, 3, 4, SW¼NE¼, S½NW¼;
Sec. 11, N½SW¼.
T. 1 S., R. 5 E.,
Sec. 15, S½SE¼;
Sec. 17, S½SW¼;
Sec. 18, N½SE¼;
Sec. 21, S½;
Sec. 30, lot 1, NW¼NE¼, NE¼NW¼.
T. 2 S., R. 5 E.,
Sec. 4, lot 1, SE¼NE¼;
Sec. 9, SW¼, S½SE¼;
Sec. 17, E½SE¼;
Sec. 21, E½NE¼, S½SW¼;
Sec. 22, N½SE¼, SE¼SE¼, NE¼SW¼;
Sec. 23, W½SE¼, SW¼;
Sec. 25, SW¼, W½SE¼;
Sec. 26, N½N½, SW¼NW¼, S½;
Sec. 29, E½SW¼, NE¼;
Sec. 30, NW¼NE¼, S½NE¼;
Sec. 32, NE¼NW¼;
Sec. 35, E½NE¼.
T. 3 S., R. 5 E.,
Sec. 1, lots 3, 4, S½NW¼, SW¼;
Sec. 2, lots 1, 2, S½NE¼;
Sec. 5, E½SE¼;
Sec. 11, E½SE¼;
Sec. 12, W½, S½SE¼;
Sec. 15, S½S½.
T. 4 S., R. 5 E.,
Sec. 30, lots 1, 2, 3, 4, 5, 6, 7, 8, E½W½;
Sec. 31, lots 1, 2, 3, 4, 5, 6, 7, 8, E½W½.
T. 5 S., R. 5 E.,
Sec. 13, S½S½;
Sec. 23, NW¼NE¼;
Sec. 24, N½.
T. 2 S., R. 6 E.,
Sec. 10, SE¼SE¼;
Sec. 11, N½NE¼, SW¼NE¼, SE¼NW¼, and SW¼;
Sec. 12, NW¼NW¼;
Sec. 14, W½NW¼, SW¼SW¼;
Sec. 15, E½NE¼;
Sec. 23, W½W½;
Sec. 26, NW¼, NW¼SW¼;
Sec. 27, NE¼SW¼, S½SW¼, SE¼, and SE¼NE¼;
Sec. 34, NW¼, N½SW¼, W½SE¼.
T. 3 S., R. 6 E.,
Sec. 17, N½NE¼;
Sec. 21, NE¼NE¼.
T. 4 S., R. 6 E.,
Sec. 28, SW¼NE¼, S½NW¼, and SE¼;
Sec. 29, S½NE¼, SE¼, and SW¼;
Sec. 30, SE¼;
Sec. 32, E½;
Sec. 33, NW¼.
T. 5 S., R. 6 E.,
Sec. 1, lots 3, 4;
Sec. 7, lots 3, 4, E½SW¼;
Sec. 17, SE¼SE¼;
Sec. 19, lots 1, 2, 3, 4, S½NE¼, E½NW¼, and SE¼;
Sec. 20, NE¼, S½;
Sec. 21, NE¼SW¼, S½SW¼, SW¼SE¼;
Sec. 28, All;
Sec. 29, N½, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 30, lot 4, NE¼NE¼;
Sec. 34, NE¼NE¼.
T. 5 S., R. 7 E.,
Sec. 30, NE¼SE¼;
Sec. 34, lot 3, SE¼NE¼;
Sec. 35, SW¼NW¼.
T. 1 S., R. 8 E.,
Sec. 18, NE¼SE¼.
T. 1 S., R. 2 W.,
Sec. 3, lot 4;
Sec. 4, lots 3, 4, S½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 5, lot 1;
Sec. 19, lot 3, SE¼NE¼, SE¼NW¼, NE¼SW¼, and NE¼SE¼;
Sec. 29, SE¼NW¼, NE¼NW¼.
T. 1 S., R. 3 W.,
Sec. 13, W½NW¼, NE¼SW¼;
Sec. 24, NE¼SE¼.
T. 1 N., R. 2 W.,
Sec. 21, SE¼NW¼, NE¼NW¼NW¼;
Sec. 28, W½NE¼, S½NW¼;
Sec. 29, S½NE¼;
Sec. 32, S½NE¼, SE¼;
Sec. 33, W½SW¼.
T. 2 N., R. 2 W.,
Sec. 31, lots 1, 3, SW¼NE¼.
T. 1 N., R. 3 W.,
Sec. 4, S½NE¼, S½SW¼, N½SE¼;
Sec. 5, lots 2, 3, 4, S½NE¼, S½NW¼, E½SW¼, and SE¼;
Sec. 8, N½NE¼;
Sec. 9, N½NW¼;
Sec. 10, NE¼, S½SW¼;
Sec. 15, N½NW¼, S½SW¼;
Sec. 18, SE¼NE¼;
Sec. 22, NE¼NW¼;
Sec. 25, SW¼NW¼;
Sec. 26, NW¼NE¼, SE¼NE¼, and NE¼NW¼;
Sec. 27, SE¼SW¼;
Sec. 28, E½SE¼;
Sec. 35, NE¼SW¼, SW¼SE¼.
T. 2 N., R. 3 W.,
Sec. 10, NE¼SE¼;
Sec. 11, SW¼NW¼, NW¼SW¼;
Sec. 17, N½NW¼SE¼, SE¼SE¼, SE¼NW¼;
Sec. 19, lot 3, NE¼SW¼;
Sec. 21, W½NE¼, SE¼SW¼, W½SE¼, E½NW¼, and NE¼SW¼;
Sec. 25, NW¼SW¼;
Sec. 27, W½NW¼, SW¼;
Sec. 28, N½, NE¼SW¼, SE¼;
Sec. 29, NE¼NW¼;
Sec. 30, N½SW¼, SE¼SW¼;
Sec. 31, SW¼NE¼, SE¼NW¼, and SE¼;
Sec. 32, SW¼.
T. 2 N., R. 4 W.,
Sec. 35, N½SE¼.

The areas described aggregate approximately 20,300 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 15, 1962.

[F.R. Doc. 62-650; Filed, Jan. 19, 1962; 8:45 a.m.]

[Public Land Order 2589]

[Colorado 048805]

COLORADO

Withdrawing Lands for Use of Forest Service as Recreation Areas and Campgrounds

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described lands in the Arapaho, Pike, and Routt National Forests, are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States for use of the Forest Service, Department of Agriculture, as recreation areas and campgrounds as indicated:

SIXTH PRINCIPAL MERIDIAN

PIKE NATIONAL FOREST

Spruce Grove Campground

T. 10 S., R. 72 W.,
Sec. 32, E½NW¼SE¼, W½NE¼SE¼, S½SW¼SE¼NE¼, and S½SE¼SW¼NW¼.

Falls Hill Picnic Ground and Campground

T. 6 S., R. 74 W.,
Sec. 19, SW¼NE¼SE¼, NE¼SW¼SE¼, and SE¼SE¼;
Sec. 29, NW¼NW¼NW¼, S½NW¼NW¼, and SW¼NW¼ less 12.85 acres lying in H.E.S. No. 51;
Sec. 30, NE¼NE¼NE¼.

SIXTH PRINCIPAL MERIDIAN

ARAPAHO NATIONAL FOREST

North Rock Creek Recreation Area

T. 4 S., R. 78 W.,
Sec. 7, S½S½SE¼NE¼, SW¼NE¼, S½SE¼NW¼, N½NE¼SW¼, SE¼, and E½SE¼SW¼;
Sec. 8, S½S½S½NE¼, N½N½N½SE¼, S½S½S½NW¼, N½SW¼, and N½SE¼SW¼;
Sec. 18, Lots 2, 3, 4, NW¼NE¼, N½SW¼NE¼, E½NW¼, and NE¼SW¼.
T. 4 S., R. 79 W.,
Sec. 13, S½SE¼SE¼;
Sec. 24, N½N½.

SIXTH PRINCIPAL MERIDIAN

ROUTT NATIONAL FOREST

Lower Bear River Recreation Area

T. 1 N., R. 86 W.,
Sec. 1, S½SE¼NE¼, N½NE¼SE¼, SW¼NE¼SE¼, NE¼NW¼SE¼, S½NW¼SE¼, N½SW¼SE¼, NE¼SE¼SW¼, and S½SE¼SW¼;

Sec. 11, E½SE¼NE¼, SW¼SE¼NE¼, N½NE¼SE¼, SW¼NE¼SE¼, E½NW¼SE¼, SW¼NW¼SE¼, N½SW¼SE¼, SW¼SW¼SE¼, and S½SE¼SW¼;
Sec. 12, W½NE¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼, N½SW¼NW¼, and SW¼SW¼NW¼;
Sec. 14, N½NE¼NE¼, SW¼NE¼NW¼, and NW¼NW¼.

Coal Creek Recreation Area

T. 1 N., R. 86 W.,
Sec. 4, SW¼SW¼SW¼;
Sec. 9, N½NW¼NW¼.

Middle Bear River Recreation Area

T. 1 N., R. 86 W.,
Sec. 15, N½SE¼NW¼, SW¼SE¼NW¼, E½SW¼NW¼, and SW¼SW¼NW¼;
Sec. 16, S½S½NE¼, N½NW¼SE¼, W½SW¼SE¼, SE¼SW¼, E½SW¼SW¼, NW¼SW¼, N½NE¼SW¼, and S½S½NW¼;
Sec. 17, NE¼SE¼, S½NW¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼, SW¼SE¼, SE¼SW¼, and SE¼SW¼SW¼;
Sec. 20, N½NW¼NE¼;
Sec. 21, NW¼NW¼NE¼, N½NE¼NW¼, SW¼NE¼NW¼, and E½NW¼NW¼.

Lower Stillwater Recreation Area

T. 1 N., R. 86 W.,
Sec. 18, lot 4, and SW¼SE¼SW¼;
Sec. 19, lots 5, 6, NE¼NE¼, S½NW¼NE¼, S½NE¼, N½NE¼NW¼, SE¼NE¼NW¼, and SE¼NW¼.

Upper Mandall Recreation Area

T. 1 N., R. 87 W. (unsurveyed),
Sec. 11, S½SE¼NE¼, E½SE¼, S½SW¼SE¼;
Sec. 12, SW¼SW¼NW¼, NW¼NW¼SW¼, S½ NW¼SW¼, and SW¼SW¼.

Lower Mandall Recreation Area

T. 1 N., R. 87 W.,
Sec. 13, NW¼NW¼, SW¼NE¼NW¼, S½ NW¼, N½SW¼, N½S½SW¼, SW¼ SW¼NE¼, W½NW¼SE¼, SE¼NW¼ SE¼, SW¼NE¼SE¼, NW¼SE¼SE¼, and E½SE¼SE¼ (unsurveyed);
Sec. 14, E½NE¼, E½W½NE¼, NW¼NW¼ NE¼, NE¼SE¼, and E½NW¼SE¼ (unsurveyed).

Smith Lake Recreation Area

T. 1 N., R. 87 W.,
Sec. 23, SE¼NE¼, E½SW¼NE¼, N½NE¼ SE¼, and NE¼NW¼SE¼ (unsurveyed).

Upper Stillwater Recreation Area

T. 1 N., R. 87 W.,
Sec. 24, SE¼SE¼NE¼, N½NE¼SE¼, SW¼NE¼SE¼, S½NW¼SE¼, NW¼ SW¼SE¼, SE¼NE¼SW¼, SE¼SW¼, and SE¼SW¼SW¼;
Sec. 25, NW¼NW¼;
Sec. 26, E½NE¼NE¼, N½S½NE¼SW¼ SW¼NE¼, NW¼NW¼SE¼, S½SE¼ NW¼, NE¼SE¼NW¼, N½SW¼, SW¼ SW¼, N½SE¼SW¼, and SW¼SE¼ SW¼;
Sec. 35, N½NW¼NW¼.

Causeway Recreation Area

T. 1 N., R. 87 W.,
Sec. 22, S½SW¼SE¼, SE¼SE¼SW¼ (unsurveyed);
Sec. 27, E½W½NE¼, W½NW¼NE¼, NW¼SW¼NE¼, NE¼NW¼SE¼, and NE¼NE¼NW¼.

Rainbow Lake Recreation Area

T. 1 N., R. 87 W.,
Sec. 27, S½NE¼SE¼, SE¼NW¼SE¼, S½ SE¼, SE¼SW¼, and S½SW¼SW¼;
Sec. 28, E½SE¼ (unsurveyed);
Sec. 33, NE¼NE¼, SE¼NW¼NE¼, N½ SE¼NE¼, SE¼SE¼NE¼, and NE¼ SW¼NE¼ (unsurveyed);
Sec. 34, N½N½NE¼, SW¼NW¼NE¼, and NW¼ (partly unsurveyed).

Mosquito Lake Recreation Area

T. 1 N., R. 87 W.,
Sec. 33, E½E½SE¼ (unsurveyed);
Sec. 34, N½NE¼SW¼, SW¼NE¼SW¼, and W½SW¼ (unsurveyed).
T. 1 S., R. 87 W. (unsurveyed),
Sec. 4, W½E½NE¼, E½SW¼NE¼, NW¼ NE¼SE¼, and E½W½SE¼.

The areas described total in the aggregate 4,595.12 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 15, 1962.

[F.R. Doc. 62-651; Filed, Jan. 19, 1962; 8:46 a.m.]

Title 46—SHIPPING

[CGFR 61-63]

Chapter I—Coast Guard, Department of the Treasury

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter I of Title 46 is amended in the following respects:

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 2—VESSEL INSPECTIONS

Assessment, Mitigation or Remission of Penalties; and Navigation and Vessel Inspection Waivers

The purpose for the amendments in this document is to revise the procedures for assessment, mitigation or remission of civil penalties as authorized by law. These amendments will (1) permit the Coast Guard District Commander to delegate to the Chief of Staff or Chief, Merchant Marine Safety Division, who serves under his command, the authority to take final actions on civil penalty cases; (2) shorten the length of time allowed from 30 days to 15 days for violators to petition for mitigation or to appeal to the Commandant which may be extended in the discretion of the District Commander when circumstances warrant such action; and (3) prohibit the remission or mitigation of civil penalties in those cases where it has been determined that violations have been established but the offenders deny they committed the violations. The basic procedures are unchanged; however, editorial changes to clarify existing regulations and to recognize existing practices have been made.

To accomplish these changes, this document separates the present requirements in 46 CFR Subpart 2.50, presently entitled "Navigation and Vessel Inspection Laws," into two subparts. The requirements for waivers of navigation and vessel inspection laws in 46 CFR 2.50-1 are transferred to a new subpart designated "Subpart 2.45—Waivers of Navigation and Vessel Inspection Laws," and the five paragraphs are redesignated as §§ 2.45-1 to 2.45-20, inclusive. The heading for Subpart 2.50 is amended to read "Subpart 2.50—Assessment, Mitigation or Remission of Penalties" and the regulations in 46 CFR 2.50-20 to 2.50-30, inclusive, have been revised and redesignated as §§ 2.50-1 to 2.50-40, inclusive. These revised procedures will be in effect on and after April 1, 1962.

The regulations in this document describe the Coast Guard's procedures applicable to the public and therefore are exempt from the rule making procedures required by the Administrative Procedure Act (5 U.S.C. 1003).

However, interested persons may submit written comments on the revised procedures regarding assessment, mitigation or remission of penalties. These comments should be submitted to the Commandant (CMC), U.S. Coast Guard, Washington 25, D.C. Each comment received prior to February 15, 1962, will be considered and evaluated, and if it is believed that a comment received clarifies or improves a regulation, it will be changed accordingly. After adoption by the Commandant, the amended regulation will be published prior to April 1, 1962, the date when these revised procedures shall become effective.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), CGFR 51-1, dated January 23, 1951 (16 F.R. 731), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), 167-32, dated September 23, 1958 (23 F.R. 7605), 167-33, dated September 23, 1958 (23 F.R. 7592), 167-38, dated September 26, 1959 (25 F.R. 10106), and 167-45, dated June 16, 1961 (26 F.R. 5585), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and new regulations are prescribed, which shall become effective on and after April 1, 1962:

Subpart 2.45—Waivers of Navigation and Vessel Inspection Laws

1. Part 2 is amended by inserting after Subpart 2.30 a new Subpart 2.45, entitled "Waivers of Navigation and Vessel Inspection Laws," and consisting of §§ 2.45-1 to 2.45-20, inclusive, reading as follows:

Sec.
2.45-1 Authority for and limitations on issuance.
2.45-5 Policy.
2.45-10 Waivers issued.
2.45-15 Specific individual waivers.
2.45-20 General waivers.

AUTHORITY: §§ 2.45-1 to 2.45-20 issued under secs. 1, 2, 64 Stat. 1120; 46 U.S.C., note preceding section 1.

§ 2.45-1 Authority for and limitations on issuance.

Compliance with certain of the navigation and vessel inspection laws may be waived by the Commandant under authority of the act of December 27, 1950 (Public Law 50-891, secs. 1, 2, 64 Stat. 1120; 46 U.S.C., note preceding section 1), and the delegation of waiver authority contained in Department of the Treasury Order CGFR 51-1, dated January 23, 1951 (16 F.R. 731), in any case where such waiver is deemed necessary in the interest of national defense.

§ 2.45-5 Policy.

(a) It is the policy of the Coast Guard, in the current administration of the

laws and regulations relating to navigation and vessel inspection, to further the interests of national defense by simplifying the procedure involved therein, eliminating all causes of delay in the sailing of vessels, and by bringing about a proper balance between the factors of safety at sea and the national defense. While it is not the policy of the Coast Guard to countenance willful violations of the laws and regulations or negligence in meeting the requirements thereof, neither is it contemplated that masters who exercise all reasonable efforts to comply with the requirements in effect be cited for violations on technical grounds.

§ 2.45–10 Waivers issued.

(a). The waivers having general applicability are published in Part 154 of this chapter, as well as in 33 CFR Part 19.

§ 2.45–15 Specific individual waivers.

(a) Applications for waivers affecting only one vessel in any one order under the provisions of § 154.01 of this chapter are made on Form CG–2633, Application for Waiver Order. The application shall state the name of the vessel, her employment, the requirements of law or regulations, waiver of which is requested, the reasons why waiver is necessary, and shall be signed by the master, owner, or agent of the vessel, or by the representative of any interested Government agency. The application shall be made to the Coast Guard District Commander or to his designated representative at the port or place where the vessel is located. In any port or place of the Canal Zone or in any foreign port or place the application shall be made to the designated representative of the Commandant at such port or place or if the Coast Guard has not established facilities in such port or place to the nearest designated representative of the Commandant at a port or place where such facilities have been established.

(b) If the request is granted, the waiver order will describe the vessel, the requirements of law or regulations waived, the conditions to which the waiver is subject, and the period of time for which the waiver is effective.

§ 2.45–20 General waivers.

(a) Applications for waivers having general applicability should be addressed to the Commandant (M), U.S. Coast Guard, Washington, D.C.

(b) Only the Commandant is authorized to issue general waivers which affect more than one vessel in one order.

Subpart 2.50—Assessment, Mitigation or Remission of Penalties

2. The title for Subpart 2.50 is amended to read as set forth above.

§ 2.50–1 [Canceled]

3. Section 2.50–1 *Waivers* is canceled. (The text is transferred to §§ 2.45–1 to 2.45–20, inclusive.)

§ 2.50–20 [Canceled]

4. Section 2.50–20 *Reports and assessments of penalties for violations of laws or regulations* is canceled. (The revised text is transferred to §§ 2.50–10 and 2.50–20.)

§ 2.50–25 [Canceled]

5. Section 2.50–25 *Payment of penalties for violations of law or regulations* is canceled. (The revised text is transferred to § 2.50–35.)

§ 2.50–30 [Canceled]

6. Section 2.50–30 *Motorboat act violations* is canceled. (The revised text is transferred to § 2.50–40.)

7. Part 2 is amended by inserting new §§ 2.50–1 to 2.50–40, inclusive, reading as follows:

Sec.

AUTHORITY: §§ 2.50–1 to 2.50–40 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 5294, as amended, sec. 26, 23 Stat. 59, as amended; 46 U.S.C. 7, 8.

§ 2.50–1 Delegation of authority.

(a) By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 (15 F.R. 4935), and by 14 U.S.C. 631, the Secretary transferred to the Commandant, U.S. Coast Guard, the functions vested in him under the navigation and vessel inspection statutes and amendments thereto (see § 2.50–40), by Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), and subsequent Orders 167–14, dated November 26, 1954 (19 F.R. 8026), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659, 167–32, dated September 23, 1958 (23 F.R. 7605); 167–33, dated September 23, 1958 (23 F.R. 7592), 167–38, dated October 26, 1959 (24 F.R. 8857), 167–44, dated October 18, 1960 (25 F.R. 10106), and 167–45, dated June 16, 1961 (26 F.R. 5585).

(b) Pursuant to granted authority from the Secretary, the Commandant may make provision for the performance of assigned functions by subordinates in the Coast Guard. Accordingly, the Commandant hereby authorizes each District Commander in his assigned district to administer certain statutes in accordance with procedures set forth in this subpart. The District Commander may further delegate such authority as he deems proper, not inconsistent with the provisions of this subpart, to the Chief of Staff or to the Chief, Merchant Marine Safety Division, who serves under his command.

§ 2.50–5 Statutes providing for assessment, mitigation or remission of civil penalties.

(a) The general statutes authorizing the Coast Guard to assess, mitigate or remit civil penalties are sections 7 and 8 of Title 46, U.S. Code.

(b) Certain other specific statutes contain authority to assess, mitigate or remit civil penalties. (For examples, see sections 85g, 88g, 369, 457, 526p, and 527e of Title 46, U.S. Code.)

§ 2.50–10 Reports of violations of laws or regulations and instituting civil penalty proceedings generally.

(a) (1) Violations of the navigation and vessel inspection laws and regulations applicable thereto, more fully described in § 2.50–40, administered and enforced by the Coast Guard, are reported by Coast Guard personnel detecting them to the District Commander of the district in which the violations occurred. When practicable, the alleged offender shall be informed of the nature of the apparent violation at the time it is detected by any Coast Guard officer. In all other instances, he shall be so informed upon the completion of any proceeding or investigation which indicates that a violation has occurred. An appropriate form prescribed by the Commandant or a letter will be used to notify the alleged offender of the nature of the violation and to advise him relative to the administrative procedure employed in conducting civil penalty cases. The notification shall advise the alleged offender to reply within 15 days or such longer period as the District Commander may in his discretion allow in order that his statement may be considered by the District Commander. The District Commander is hereby authorized to determine whether there has been a violation of any of the pertinent laws or regulations. In the event of a violation for which a criminal sanction is not deemed to be appropriate, the District Commander shall determine whether to invoke the statutory civil penalty. He may thereafter mitigate or remit an assessed civil penalty upon receipt from the offender of a petition for relief therefrom. If after consideration of the petition for relief, the District Commander decides that no violation occurred, or that the person cited did not commit the violation, the penalty case shall be closed and that person notified of that action. Where no such petition is received, or where an offense has been established and the offender denies that he committed the violation, the District Commander shall take no mitigation or remission action but shall demand payment of the full penalty. Where demand for payment of the penalty is made and the penalty amount is not paid, the District Commander shall refer the case to the United States Attorney for

collection. The civil penalty procedure is more fully described in § 2.50–20.

(2) If a report of boarding or an investigation report submitted by a Coast Guard officer or investigative body discloses evidence of violation of a Federal criminal statute, the District Commander in accordance with § 2.50–25 shall refer the findings to the United States Attorney for appropriate action.

(b) (1) The District Commander may by specific order in writing delegate to the Chief of Staff or the Chief, Merchant Marine Safety Division, under his command, the authority to determine whether to invoke the statutory civil penalty and, upon receipt from the offender of a petition for relief from a penalty so invoked, whether to mitigate, or to remit the penalty, as he may deem proper. The order shall prescribe the types of cases which the designated officer may initiate and process to the same extent permitted the District Commander by this subpart, and those types of cases which that officer may initiate and process to a lesser extent. With respect to the latter category of cases, the District Commander's order shall set forth in detail the limits of the authority delegated to the designated officer.

(2) The term "District Commander," as hereinafter used in this subpart to designate the officer authorized to assess, mitigate or remit penalties, shall also include the terms "Chief of Staff" or "Chief, Merchant Marine Safety Division," as appropriate, if such officer has been delegated authority to perform such functions.

§ 2.50–15 Transfer of civil penalty cases from one District Commander to another.

(a) Ordinarily the District Commander having jurisdiction over the situs of a violation of the navigation or vessel inspection laws will initiate civil penalty proceedings. Having assumed jurisdiction in a given case by initiating an investigation or other proceedings to determine fault, the District Commander may transfer that jurisdiction to another District Commander where convenience or necessity requires: *Provided,* That the rights of the alleged offender are not prejudiced thereby.

(b) The District Commander transferring jurisdiction will forward all records applicable to the case direct to the District Commander assuming jurisdiction.

§ 2.50–20 Civil penalties.

(a) Violations of 46 U.S.C. 526–526u (Act of April 25, 1940, as amended, Motorboat Act of 1940), or 46 U.S.C. 527–527h (Federal Boating Act of 1958) when observed by Coast Guard law enforcement officers will be brought to the attention of the alleged offender upon the issuance of Form CG–4100, "Report of Boarding and Notice of Violation." In a proper case, the alleged offender will be granted a period of two weeks to bring his vessel into compliance with the laws and regulations, and to advise the District Commander what steps were taken to comply therewith. Violations of other navigation and vessel inspection laws will be brought to the attention of the alleged offender by appropriate form prescribed by the Commandant or by letter. The District Commander will consider any statement made by the alleged offender in determining whether there has been a violation of law or regulations.

(b) If the District Commander determines a violation of a navigation or a vessel inspection law has occurred, he will then determine the appropriate action to be taken, and notice of his decision shall be given to the offender either by appropriate form prescribed by the Commandant or by letter. This action may include invocation of the statutory civil penalty which may then be mitigated or remitted in full, except as the latter action is limited by paragraph (f) of this section. When no penalty is invoked or the penalty is remitted, no further action by the offender will be necessary. When the penalty is mitigated, such mitigation will be made conditional upon payment within 15 days of the notice, or within such other longer period of time as the District Commander may, in his discretion, allow.

(c) If a statutory civil penalty, whether mitigated or not, for any violation of law or regulation is invoked by the District Commander, the offender will be informed of his right to apply for relief from the imposition of penalties within 15 days, or such longer period as the District Commander may in his discretion allow. He may, if he so desires, appear in person before the District Commander or his designated representative. The request for such an appearance is made to the District Commander or his designated representative, who shall, if practicable, establish a convenient meeting time and place.

(d) The offender will be given instructions for making an appeal to the Commandant from the actions of the District Commander. Any such appeal shall be submitted to the Commandant through the District Commander within 15 days of the date of notification by the District Commander, or such longer period of time as the District Commander may, in his discretion, allow. In the event that there is an appeal from the decision of the Chief of Staff or Chief, Merchant Marine Safety Division, acting under delegated authority, the District Commander shall review the case. Should the District Commander determine that the assessment of penalty was not warranted, the case shall be closed and notification thereof given to the appellant. Those cases which upon review by the District Commander are determined to be properly instituted and administered in accordance with the regulations in this subpart and for which remission of the penalty is not considered justified shall be forwarded to the Commandant with the District Commander's recommendation.

(e) Should the alleged offender require additional time to present matters favorable to his case at any stage of these penalty proceedings, a request for additional time shall be addressed to the District Commander who may grant a reasonable extension of time where proper justification is shown.

(f) Under the following circumstances the District Commander shall forward cases to the United States Attorney with the recommendation that action be taken to collect the full statutory penalty:

(1) When within the prescribed time the offender does not act to explain the violation or respond to letters or form inquiries from the District Commander concerning violations of the navigation and vessel inspection laws; or,

(2) Having responded to such inquiries the offender fails to pay or to appeal to the Commandant, within the prescribed time the assessed statutory penalty or mitigated penalty; or,

(3) When the offender fails to pay within the prescribed time the penalty as determined by the Commandant after consideration of the offender's appeal from the action of the District Commander.

§ 2.50–25 Criminal penalties.

(a) Prosecution in the Federal courts for violations of those laws or regulations enforced by the Coast Guard which provide, upon conviction, for punishment by fine or imprisonment is a matter finally determined by the Department of Justice. This final determination consists of deciding whether and under what conditions to prosecute or to abandon prosecution.

(b) Except in those cases where the approval of the Commandant is required, the District Commander is hereby authorized to determine whether or not a violation of a statute carrying a criminal penalty is one which would justify referral of the case to the United States Attorney. The Commandant's approval is required in the following cases where evidence of a criminal offense is disclosed:

(1) Marine casualties or motorboat accidents resulting in death.

(2) Marine Boards (Part 136 of this chapter).

(3) Marine investigations held jointly with a proceeding under the Uniform Code of Military Justice.

(4) Violations of port security regulations (33 CFR Parts 6, 121 to 126, inclusive).

(c) The District Commander will identify the laws or regulations which were violated and make specific recommendations concerning the proceedings to be instituted by the United States Attorney in every case.

(d) Referral of a case to the United States Attorney for prosecution terminates the Coast Guard's authority with respect to the criminal aspects of a violation.

§ 2.50–30 Civil and criminal penalties.

(a) If a violation of law or regulation carries both a civil and a criminal penalty, the District Commander is hereby authorized to determine whether to initiate civil penalty proceedings, in which case the procedure outlined in § 2.50–20 will be followed, or whether to refer the case to the United States Attorney for prosecution in accordance with § 2.50–25, which outlines the appropriate procedure for handling criminal cases.

(b) When the United States Attorney declines to institute criminal proceed-

ings, the District Commander shall decide whether to initiate civil penalty proceedings or to close the case, whereupon the alleged violator shall be notified regarding that decision.

§ 2.50–35 Procedure for payment of civil penalty for violation of law or regulation.

(a) The payment must be by postal money order or check payable to the order of the U.S. Coast Guard when mailed to the District Commander, attention of the Collection Clerk. If the payment is made in person at the Office of the District Commander, the payment may be in cash or by postal money order or check payable to the order of the U.S. Coast Guard.

(b) The payment of any penalty is acknowledged on Coast Guard Form CG–2688 (Collection Receipt).

(c) If the penalty paid is determined by the Commandant to have been improperly or excessively imposed, and the money has already been covered into the United States Treasury, the payor will be notified and requested to submit an application for a refund on Form CG–1086, "Claim for Navigation Fine Exacted in Excess or in Error," which should be mailed to the appropriate District Commander for transmission to the Commandant. Such application must be made by the payor within one year of the date of payment of the penalty. If the penalty paid is determined by the Commandant to have been improperly or excessively imposed and the money has not been covered into the United States Treasury, the Coast Guard will notify the payor and upon application will refund the penalty or that portion considered to be in excess of the proper amount.

§ 2.50–40 Specific types of violations reported.

(a) *General.* The procedures in this subpart apply to detected violations of navigation and vessel inspection statutes and the regulations issued pursuant thereto which provide for the imposition of civil penalties. These procedures do not apply to penalties set forth in Title 14, U.S. Code.

(b) *Inspection laws.* The vessel inspection laws in Title 46, U.S. Code, and implementing regulations in this chapter (unless otherwise provided in specific statutes) which invoke civil penalties for violations of those laws and regulations are set forth in sections 497 and 498 of Title 46, U.S. Code.

(c) *Numbering of undocumented vessels.* The penalty for violations of the Federal Boating Act and implementing regulations in Parts 170–173 of this chapter is in section 527e of Title 46, U.S. Code.

(d) *Motorboats.* The penalties for violations of the Act of April 25, 1940, as amended (46 U.S.C. 526–526u) and the implementing regulations in subchapter C of this chapter are in section 526o of Title 46, U.S. Code.

(e) *Marine regattas or parades.* The penalty for violating the act of April 28, 1908, as amended, and applicable regulations in 33 CFR Part 100 is in section 457 of Title 46, U.S. Code.

(f) *Reckless or negligent operation.* The civil penalty for violating the reckless and negligent operation provisions of the act of April 25, 1940 (46 U.S.C. 526*l*(a)) and the regulations in this chapter (Part 26) is applicable to the operation of all vessls and is in section 526o of Title 46, U.S. Code.

(g) *Rules of the road.* The penalties for violating applicable rules of the road and implementing regulations in 33 CFR Parts 80 to 96, inclusive, are in sections 158, 159, 244, 354, and 355 of Title 33, U.S. Code.

(h) *Load lines.* The penalties for violations of the Load Line Acts and the implementing regulations in parts 43 to 46 of this chapter are in sections 85g and 88g of Title 46, U.S. Code.

(i) *Great Lakes pilotage.* The civil penalty for violations of the Great Lakes Pilotage Act of 1960 is in section 216e of Title 46, U.S. Code.

(j) *Manning or employment of seamen.* The laws governing shipping of seamen or manning of certain vessels in Title 46, U.S. Code, and implementing regulations in this chapter in specific statutes invoke civil penalties for certain violations of those laws and regulations. (For example, see sections 562, 567, 568, 571, 575, 623, 641, 642, 643, and 672 of Title 46, U.S. Code.)

SUBCHAPTER C—UNINSPECTED VESSELS

PART 26—OPERATIONS

Subpart 26.10—Assessment, Collection, Mitigation, Remission of Fines or Penalties

Section 26.10–5(b) is amended by correcting the section references from "§§ 2.50–20 to 2.50–30" to "§§ 2.50–1 to 2.50–40" so that it reads as follows:

§ 26.10–5 Procedures.

* * * * *

(b) The procedures for the assessment, collection, remission, or mitigation are set forth in §§ 2.50–1 to 2.50–40 of Subchapter A (Procedures Applicable to the Public) of this chapter.

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p)

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

PART 170—GENERAL PROVISIONS

Subpart 170.15—Appeals and Judicial Review

Section 170.15–25 is amended by correcting the section references from "§§ 2.50–20 to 2.50–30, inclusive" to "§§ 2.50–1 to 2.50–40" so that it reads as follows:

§ 170.15–25 Reports and assessments of penalties for violations.

The reports of violations, assessments, collection, mitigation or remission of civil penalties shall be in accordance with §§ 2.50–1 to 2.50–40 of Subchapter A (Procedures Applicable to the Public) of this chapter.

(Secs. 13, 17, 54 Stat. 166, as amended, sec. 7, 72 Stat. 1757; 46 U.S.C. 526l, 526p, 527d)

Dated: January 17, 1962.

A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 62–717; Filed, Jan. 19, 1962; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Annual Report Form C Prescribed for Class II Railroads

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 2d day of January A.D. 1962.

The matter of annual reports of line-haul and switching and terminal railroad companies of Class II being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4 (a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.12 of the order of November 30, 1960, in the matter of Railroad Annual Report Form C, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1961, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.12, be, and it is hereby, modified and amended to read as follows:

§ 120.12 Form prescribed for Class II railroads.

Commencing with reports for the year ended December 31, 1961, and thereafter, until further order, all line-haul and switching and terminal railroad companies of Class II, as described in § 126.1, viz., of this chapter, all carriers with average annual operating revenues of less than $3,000,000, subject to the provisions of section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form C, which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

And it is further ordered, That copies of this order and of Annual Report Form C shall be served on all line-haul and switching and terminal railroad companies of Class II, subject to the pro-

[1] Form filed as part of the original document.

visions of section 20, Part I, of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad company, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secertary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-669; Filed, Jan. 19, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 625) has been filed by Nalco Chemical Company, 6216 West Sixty-sixth Place, Chicago 38, Illinois, proposing the issuance of a regulation to provide for the safe use of poly-1,4,7,10,13-pentaaza-15-hydroxyhexadecane as a retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for use in contact with food.

Dated: January 12, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-661; Filed, Jan. 19, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601, 608]

[Airspace Docket No. 61-LA-3]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND SPECIAL USE AIRSPACE

Proposed Designation of Transition Area, Alteration of Continental Control Area, Federal Airways and Control Zones, Alteration and Designation of Restricted Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 600.6023, 600.6109, 600.6113, 601.1983, 601.7101, 600.1559, and 608.25 of the Regulations of the Administrator, the substance of which is stated below.

The Vernalis, Calif., Restricted Area R-2525 contains 512 square miles and is assigned to the Commander, Naval Air Bases, 12th Naval District, Alameda, Calif., for simulated low altitude bombing, rocketry and gunnery activities. It is designated from the surface to an unlimited altitude from 0500 to 2400 PST, Monday through Friday.

The Federal Aviation Agency has under consideration a proposal to redesignate R-2525 as two smaller restricted areas, hereinafter identified as R-2525 and R-2528. These areas would be designated to 17,000 feet MSL daily, from one hour before sunrise to one hour after sunset. R-2528 would have a floor of 2,000 feet MSL.

Although this alteration would result in an overall reduction of approximately 310 square miles of special use airspace in the Vernalis, Calif., area, it would entail the inclusion of approximately 35 square miles of airspace not previously designated.

In order to provide for the most efficient utilization of the airspace, the Oakland, Calif., ARTC Center would be designated as the controlling agency of R-2525 and R-2528.

Further, the Crows Landing, Calif., Navy Auxiliary Landing Field control zone would be enlarged to provide protection for aircraft executing prescribed instrument approach procedures at Crows Landing. That portion of the control zone within R-2528 would be excluded.

A transition area extending upward from 1,200 feet above the surface would be designated to supplement the Crows Landing control zone. This transition area would encompass approach procedures for Crows Landing ALF and would provide additional controlled airspace for radar vectoring of air traffic by the Oakland Center. The portions of this transition area within R-2525 and R-2528 would be used only after obtaining prior approval from appropriate authority.

As described herein R-2528 would impinge upon low altitude VOR Federal airways Nos. 23 west alternate, 109 and 113. Therefore the description of these airways would be altered to exclude the portions within R-2528. Further, intermediate altitude VOR Federal airway No. 1559 extends in part as a 10-mile wide airway from the Los Banos, Calif., VOR to the Stockton, Calif., VOR. A portion of this airway would coincide with R-2528. Therefore, it is proposed to redesignate Victor 1559 by reducing its width from 10 to 8 miles in the vicinity of R-2528.

Restricted Areas R-2525 and R-2528 would be included as part of the continental control area for air traffic control purposes.

Therefore the following actions are proposed:

1. R-2525 would be redesignated as follows:

R-2525 Vernalis, Calif.:

Boundaries. A 5-nautical mile radius circle centered at latitude 37°24'00" N., longitude 121°20'00" W.

Designated altitudes. Surface to 17,000 feet MSL.

Time of designation. One hour before sunrise to one hour after sunset.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

2. A new restricted area would be designated as follows:

R-2528 Newman, Calif.:

Boundaries. Beginning at latitude 37°19'-50" N., longitude 121°04'05" W.; to latitude 37°16'25" N., longitude 121°02'55" W.; thence clockwise along the arc of a 3-nautical mile radius circle centered at latitude 37°17'30" N., longitude 121°06'30" W.; to latitude 37°15'30" N., longitude 121°03'30" W.; to latitude 37°05'50" N., longitude 121°-01'45" W.; to latitude 37°05'15" N., longitude 121°08'00" W.; to latitude 37°17'00" N., longitude 121°10'12" W.; thence along the arc of a 3-nautical mile radius circle centered at latitude 37°17'30" N., longitude 121°06'30" W.; to the point of beginning.

Designated altitudes. 2,000 feet MSL to 17,000 feet MSL.

Time of designation. One hour before sunrise to one hour after sunset.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

3. The Crows Landing control zone would be designated within 5 miles of the Crows Landing Navy Auxiliary Landing Field (latitude 37°24'35" N., longitude 121°06'40" W.), including an extension 2 miles either side of the Crows Landing Navy ALF TACAN 327° True radial extending from the 5-mile radius zone to 2 miles northwest, excluding the airspace within R-2528.

4. The Crows Landing transition area would be designated as that airspace extending upward from 1,200 feet above the surface, bounded on the southwest by low altitude VOR Federal airway No. 107, on the north by low altitude VOR Federal airway No. 244 south alternate and on the east by low altitude VOR Federal airway No. 109. The portion of this transition area that would be within R-2525 and R-2528 would be used only after obtaining prior approval from appropriate authority.

5. Restricted Areas R-2525 and R-2528 would be designated as part of the continental control area.

6. Low altitude VOR Federal airways Nos. 23 west alternate, 109 and 113 would be altered to exclude the airspace that would be within R-2528.

7. The segment of intermediate altitude VOR Federal airway No. 1559 extending as a 10-mile wide airway from the Los Banos VOR to the Stockton VOR would be redesignated from the Los Banos VOR as a 10-mile wide airway to the intersection of the Los Banos VOR 344° and the Salinas, Calif., VOR 042° True radials, thence as an 8-mile wide airway to the intersection of the Los Banos VOR 344° and the Salinas VOR 032° True radials, thence as a 10-mile wide airway to the Stockton VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after

publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 16, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-646; Filed, Jan. 19, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

RECORDS TO BE MAINTAINED AND PRESERVED BY REGISTERED INVESTMENT COMPANIES AND OTHERS

Extension of Time for Comments

The Securities and Exchange Commission has extended to January 26, 1962, the date for the filing by interested persons of views and comments on its "Notice of Proposal to Amend Rules 31a-1 and 31a-2 (§§ 270.31a-1 and 270.31a-2) and to Adopt Rule 31a-3 (§ 270.31a-3) under the Investment Company Act of 1940" (Investment Company Act Release No. 3368). This announcement was published also in the FEDERAL REGISTER of December 7, 1961 (26 F.R. 11738). The previous date fixed for such filings was January 12, 1962.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JANUARY 11, 1962.

[F.R. Doc. 62-657; Filed, Jan. 19, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in Fannin County, Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of January 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–680; Filed, Jan. 19, 1962; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Trade Route No. 15–A]

U.S. ATLANTIC/SOUTH AND EAST AFRICA

Notice of Conclusions and Determinations Regarding the Essentiality and United States Flag Service Requirements

Notice is hereby given that on January 15, 1962, the Maritime Administrator, acting pursuant to Section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 15–A and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said Trade Route be published in the FEDERAL REGISTER.

Trade Route No. 15–A as described below is affirmed as an essential foreign trade route of the United States: Between United States Atlantic ports (Maine-Atlantic Coast Florida to but not including Key West) and ports in South and East Africa from the southern border of Angola to Cape Guardafui in Somalia, including the islands of Ascension and St. Helena in the South Atlantic and Madagascar and adjacent islands in the Indian Ocean not east of 60° East Longitude.

The following United States flag services and ship requirements are found and determined to be essential for operation on Trade Route No. 15–A:

1. United States flag sailing requirements for freight service on Trade Route No. 15–A are approximately five freighter sailings per month. For interim operation pending replacement thereof C–2 and C–3 type freight ships are suitable for operation on the route. Replacement freighters should be superior in speed and have approximately the same carrying capacity as the present C–3 type ships.

2. United States flag sailing requirements for combination passenger cargo service on Trade Route No. 15–A are not less than one and not more than two voyages during each calendar year with the "SS Argentina" and/or the "SS Brasil," such voyages offering outbound service on Trade Route No. 1 prior to calling at Trade Route No. 15–A ports. The "SS Argentina" and "SS Brasil" are suitable for long range operation on this service.

Dated: January 16, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62–659; Filed, Jan. 19, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 12130, 13335; Order E–17931]

EASTERN MOHAWK TRANSFER CASE AND SERVICE TO OGDENSBURG, N.Y. CASE

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of January 1962.

In the matter of the Eastern Mohawk Transfer Case, Docket 12130; in the matter of the Service to Ogdensburg, N.Y. Case, Docket 13335.

Mohawk Airlines, Inc. (Mohawk), is certificated to provide service to Ogdensburg, New York, on segments 2, 8, and 9 of its route 94. On segment 2, Ogdensburg is designated as a coterminal point with Watertown, New York (Order E–14740, December 15, 1959). Service on segments 8 (Order E–17617, October 20, 1961) and 9 (Order E–16412, February 21, 1961) is authorized to the hyphenated point Ogdensburg-Massena. By Order E–17617, October 20, 1961, the Board amended Mohawk's certificate to redesignate the coterminal point Ogdensburg on segment 2 as the hyphenated terminal point Ogdensburg-Massena, and thereafter permitted to become effective an airport notice filed by Mohawk proposing service to Ogdensburg-Massena through the use of Richards Field at Massena. On October 30, 1961, Ogdensburg filed in the United States Court of Appeals for the District of Columbia Circuit a petition for review of the Board's orders of August 31 and October 20 and its related airport action. City of Ogdensburg et al., v. Civil Aeronautics Board, No. 16,699. By Order E–17659, October 31, 1961, the Board stayed, until further order of the Board, the redesignation of Ogdensburg on segment 2 and the related airport action, insofar as it would allow service to Ogdensburg on segment 2 through the use of Richards Field.

On November 20, 1961, the City of Ogdensburg, New York, the Ogdensburg Chamber of Commerce, and the Odgensburg Bridge and Port Authority petitioned the Board for amendment of the Certificate of Public Convenience and Necessity of Mohawk Airlines, Inc., for route 94 (Docket 13197). In essence, Ogdensburg requests a public hearing to determine the future of air service to Ogdensburg.

The Board has determined that a certificate renewal proceeding investigating the requirements of air transportation to Ogdensburg over segment 2 of Mohawk's route 94 is warranted at this time. The question of whether or not the service on segment 8 should be to the hyphenated point Ogdensburg-Massena, or to Ogdensburg as an intermediate, coterminal, or terminal point will also be in issue. The Board also finds that service to Ogdensburg on segment 9 need not be an issue in the investigation, inasmuch as the requirement for this service was fully heard and determined in the recent Pittsburgh-Syracuse Case, Order E–16412, February 21, 1961.

Under the present set of circumstances, it appears that Ogdensburg is faced with a problem that can only be resolved upon the Board's investigation of the air transportation requirements indicated above. Mohawk, though manifesting a willingness to serve Ogdensburg, contends that the Ogdensburg airport, in its present condition, cannot accommodate the aircraft now predominant in Mohawk's fleet. Ogdensburg, on the other hand, alleges that upon the issuance of the Board's decision in the Eastern-Mohawk Transfer Case (E–17382, 17383, August 14, 1961), in which Ogdensburg and Massena were hyphenated on segments 2 and 8, the Federal Aviation Agency has withheld funds earmarked for Ogdensburg's airport expansion.

Though Mohawk's authority to serve Ogdensburg on segment 2 of route 94 does not expire until February 23, 1963, and the extended segment 8 authority has just been granted for an indefinite period, the Board finds that the unique problem presently facing Ogdensburg plus the importance of problems dealing with the concept of regional airports require the prompt investigation into the matter of air service to Ogdensburg on Mohawk's segments 2 and 8 of route 94.

The investigation contemplated herein shall encompass the following issues: (1) Whether Mohawk's certificate, as it pertains to segment 2 of route 94, should be altered, amended, modified, suspended, terminated, or renewed with respect to air service to Ogdensburg; (2) whether, in the event that service is continued to Ogdensburg on segment 2, the service should be to the hyphenated terminal point Ogdensburg-Massena, or to Ogdensburg as an intermediate, coterminal, or sole terminal point, and if so for what period; (3) whether service to Ogdensburg via segment 8 of route 94 should be to the hyphenated terminal point Ogdensburg-Massena, or to Ogdensburg as an intermediate, coterminal, or sole terminal point; (4) whether on segments 2 and/or 8, if it is determined that service is to be solely to the hyphenated point Ogdensburg-Massena, the Board should indicate the nature of the service or leave to the discretion of Mohawk's management the selection of the airport through which to serve the Ogdensburg-Massena area.

The Board's action instituting this investigation will be subject to any necessary approval by the Court of Appeals for the District of Columbia Circuit: *Accordingly, it is ordered:*

1. That, subject to any necessary approval by the United States Court of Appeals for the District of Columbia Circuit, an investigation be, and it hereby is instituted, pursuant to section 401(g) of the Federal Aviation Act of 1958, to consider:

(a) Whether the certificate of Mohawk Airlines, Inc., as it pertains to segment 2 of route 94, should be altered, amended, modified, suspended, terminated, or renewed with respect to Ogdensburg, New York;

(b) Whether, in the event that service is continued to Ogdensburg on segment 2, the service should be to the hyphenated terminal point Ogdensburg-Massena, or to Ogdensburg as an intermediate, coterminal, or sole terminal point, and if so, for what period;

(c) Whether service to Ogdensburg via segment 8 of route 94 should be to the hyphenated terminal point Ogdensburg-Massena, or to Ogdensburg as an intermediate, coterminal, or sole terminal point; and

(d) Whether, on segments 2 and/or 8, if it is determined that service is to be solely to the hyphenated point Ogdensburg-Massena, the Board should indicate the nature of the service or leave to the discretion of Mohawk's management the selection of the airport through which to serve the Ogdensburg-Massena area;

2. That the proceeding instituted herein shall be known as the Service to Ogdensburg, N.Y. Case, Docket 13335, and shall be set down for prompt hearing before an Examiner of the Board at a time and place to be hereafter determined;

3. That a copy of this order shall be served upon the city of Ogdensburg, New York, the Ogdensburg Chamber of Commerce, the Ogdensburg-Bridge and Port Authority, the city of Massena, New York, the New York State Department of Commerce, and Mohawk Airlines, Inc., who are hereby made parties to the proceeding;

4. That the stays set forth in Order E–17659 of October 31, 1961, shall continue in effect pending a final order in this proceeding;

5. That, subject to the limitations set forth in this order, Docket 13197 be, and it hereby is, consolidated with this proceeding; and

6. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–681; Filed, Jan. 19, 1962; 8:50 a.m.]

[Docket No. 13267]

SWISSAIR, SWISS AIR TRANSPORT CO., LTD.

Notice of Hearing

In the matter of the application of Swissair, Swiss Air Transport Company Limited for amendment of its foreign air carrier permit so as to include Frankfurt, Germany, as an intermediate point and Chicago, Illinois, as a coterminal point with New York, New York.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on January 29, 1962, at 10 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Chief Examiner Francis W. Brown.

Dated at Washington, D.C., January 17, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62–682; Filed, Jan. 19, 1962; 8:50 a.m.]

[Docket No. 12895; Order E–17932]

UNITED STATES-SOUTH AMERICA ROUTE CASE

Order on Motions for Modification and Motions for Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of January 1962.

On August 8, 1961, in Order E–17289, the Board instituted an investigation calling for a comprehensive review of the United States flag carrier route pattern between the domestic United States and South America. It was our intention at that time that this proceeding be conducted in two separate stages, the first dealing with the route pattern required by the public convenience and necessity, and the second dealing with the selection of an air carrier or air carriers to provide the required services. This intention is reaffirmed here.

In Order E–17289, we provided an opportunity for interested parties to file motions to modify the issues as set forth therein and motions to consolidate applications. Numerous motions and answers have been filed by air carriers and civic bodies. These will be discussed and considered herein to the extent that they bear on the scope of the first stage of this proceeding—the route pattern required by the public convenience and necessity.

We have reconsidered Order E–17289 in the light of the incoming documents, and it will stand except insofar as specifically modified herein.

The primary modification of our previous order which we feel is warranted relates to the definition and separation of the Caribbean Area issues as contrasted with United States-South America route problems. Our previous order and supporting staff report included the issues of the possible deletion of Maracaibo and Caracas from Delta Air Lines' route 114. In addition, Barranquilla and Guatemala were identified as points on route A. Considering the pleadings now before us, the Latin American Air Service Case, 6 CAB 857, 889 (1946), and our determination to go forward with a United States-South America Case, as distinct from a Caribbean Area Investigation,[1] we will exclude the issue as to the possible deletion of Delta's authorizations at Maracaibo and Caracas, and we will also exclude issues concerning new service to Barranquilla and Guatemala as well as Maracaibo and Caracas.[2] Following this course, there will no longer be any necessity for Delta to be a party to this proceeding.

In addition, there will be no issue in this proceeding as to the possibility of altering, amending or modifying Pan American's existing authority, as described in its certificate for route 136, for points north of the route junction Port of Spain, Trinidad. However, we will consider the issue as to whether Balboa-Miami authority should be deleted from proposed route A, as distinct from such authority in relation to services wholly within the Caribbean Area, which will be considered in the contemplated Caribbean Area Investigation. Also, there will be in issue the question of modification of the coterminal status of the cities in the northeastern part of the United States as named in Pan American's certificate.

A number of other requests for relief are governed by our separation of Caribbean Area issues from United States-South America route problems. In particular, National seeks the imposition of long-haul restrictions on all U.S.-South America services which would require flights to originate and/or terminate at points beyond the Caribbean Area. Since the overall Caribbean route pattern will be considered in the forthcoming proceeding directed specifically to the Caribbean Area, we find no need, and no sound reason, for considering in the present case the possible imposition of restrictions on any existing certificate

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[1] The Board will institute a separate Caribbean Area Investigation at a subsequent date.

[2] In the Latin American Air Service Case, *supra*, at page 889, the Board defined the Caribbean Area in part as "* * * embracing the Lesser and Greater Antilles, Venezuela and Colombia on the north coast of South America and the countries of Central America, including the Canal Zone * * *". This is consonant with our action herein.

authority to prohibit turnaround service between points in the United States and Caribbean points, such as Balboa. With respect to any new or expanded U.S.-South America authority that may come out of the present case, the issues as now framed are sufficiently broad to encompass the question of the imposition of long-haul restrictions on such authority.[3]

Miami, Washington, and New York will be considered as possible coterminals on route B, and Washington and New York will be considered as possible coterminals on route A. In addition, Miami will be considered as a separate terminal on route A. However, no traffic rights between the east coast United States points will be considered.

The city and chamber of commerce of Houston filed an application and motion seeking the inclusion of Houston on new and modified routes between Houston, on the one hand, and points in the Caribbean on the other. This proposal is without regard to whether or not such authority is part of a United States-South America route. Braniff and Pan American, in reply to such motions, have stated that the scope of the proceeding in this area should be clarified by the Board. Further the carriers urge that if applications, such as Houston's are to be included, carrier parties should be permitted to litigate applications for new services between Balboa-Panama City/Canal Zone and points in the United States. In our previous order (E–17289) we determined that there would be no issue in the instant proceeding as to new or additional route authority in the Caribbean Area. We would emphasize that this proceeding is aimed at the reduction and/or elimination of uneconomic competition. In short, the issues as to this area relate to the possible deletion of service rather than the addition of new service.

Rio de Janeiro and Sao Paulo are presently served by two United States flag carriers. Therefore, the parties to this proceeding will be given the opportunity to submit evidence as to whether this type of certification should be continued in the Board's proposed new route pattern.

Braniff and Panagra have requested, by motions for expansion and consolidation, that San Francisco and Los Angeles be named as coterminals on proposed route B either in addition to or in lieu of route A as shown in the staff study attached to the original order of investigation. Both carriers have alleged that a strong community of interest exists between the California points and the west coast of South America (points on route B). At this time there is little probative information before us to support or contradict this allegation. Nevertheless, we will include this request as an issue to be litigated in this proceeding. However, as a result of this action we will have competing carriers seeking a route which, on the basis of any information now before us, will not support more than one carrier. Despite our determination that this proceeding be directed toward the reduction or elimination of uneconomic competition, we will not deprive the parties of the opportunity to demonstrate that the California cities can strengthen either route A or B, or conceivably both.

Applications have been advanced for consolidation, which include many coterminal points within the interior of the United States, for which no specific support has been submitted. As set forth in the staff study appended to our previous order, it is our intention to limit consideration of United States terminals to the presently certificated gateways. Since there has been no showing that consideration of additional United States terminals is necessary to a sound disposition of the proceeding, or required to afford fairness to any person, no consideration will be given to new United States terminals for South America routes, and applications directed toward additional United States terminals will not be considered.

Applications for exclusive all cargo routes are beyond the scope of this proceeding and will be excluded. Similarly, the petition for intervention filed by Riddle will be denied since Riddle has no independent interest in a South America case.

Pan American seeks consolidation of the Panagra Management Agreement Proceeding, Docket 5140, which concerns the alleged control relationships between W. R. Grace and Company and Panagra. We see no necessity for such consolidation and the Panagra Management matter can be considered separately while we proceed with the first stage of the instant proceeding.

Dallas, Houston, San Antonio, New Orleans, Chicago, Oklahoma City, the Commonwealth of Puerto Rico, Aerovias Sud, Eastern, National, Mackey, Caribair and, as mentioned above, Riddle, all seek intervention. In view of the limitations which we will impose on the scope of this proceeding as discussed above, we will grant intervention to Houston, Puerto Rico, Aerovias Sud, Eastern, National and Mackey and deny intervention to Dallas, San Antonio, New Orleans, Chicago, Oklahoma City, Caribair and Riddle.

In accordance with the foregoing, we find that Trans Caribbean Airways' request for consolidation of Docket 12993 should be granted only insofar as it conforms to the designation of route B as modified herein.

As to Braniff, we will grant its request to consolidate Docket 12988 and Docket 3482, as amended, except as to the designation of Dallas and Houston as coterminal points. This issue is beyond the scope of the instant proceeding. Braniff also seeks consolidation of Docket 12987 which duplicates Docket 12988 for points south of Balboa with the addition of a proposed segment between routes A and B to Brasilia.

With respect to service to Brasilia, it is now served by Pan American[4] and will be considered as a possible point on either route A or route B. We have no historic traffic data as to this point, and, in view of our objective herein to reduce or eliminate uneconomic competition, consideration will not be given to possible United States flag competitive service to Brasilia at this early stage in its development.

Docket 12987 also includes a request that Seattle be named as a coterminal with San Francisco and Los Angeles, and that Guatemala City be named as an intermediate. Additionally, Braniff seeks Denver, Kansas City, San Antonio, Houston, Dallas, New Orleans as coterminals, Mexico City and Guatemala as intermediates in Part II of its application. Such requests are beyond the scope of this proceeding and we will deny consolidation of Docket 12987, as well as Braniff's contingent request to consolidate Dockets 3700 and 4380, which for the most part duplicate the application in Docket 12987, but also include numerous Caribbean Area points.

Caribair's motion to consolidate Docket 11078 raises matters which are entirely within the contemplated Caribbean Area Investigation. This motion will be denied.

Pan American's numerous requests and contingent requests for consolidation and modification will be denied except to the limited extent that they conform with our discussion above. Thus, consolidation is warranted of Pan American's application in Docket 11609 and its restated applications in Dockets 2720, 4833, and 8597, but only to the extent that they conform to the points named on proposed route B. Consolidation need not be granted as to Dockets 3862, 4958, 5417, 5453, 5629, 5874, 6603, 10054, 10619, and 12862. Each of these involves either services within the Caribbean Area or proposed services for points beyond the scope of the instant proceeding.

Panagra's motion to consolidate its applications in Dockets 4159 and 12688 will be granted. These applications request that the carrier's authority to serve Bogota, Colombia, be made permanent and that the carrier be granted authority to engage in air transportation between points on its present route 146 and New York, Washington, and Miami. As previously stated, local traffic rights between the three United States cities will not be considered.

National's request for consolidation of of its applications in Dockets 5032 and 12700 will be denied. Those applications relate to services within the Caribbean Area and should therefore be heard in the forthcoming proceeding directed to consideration of the route pattern in that area. We will not link our denial of consolidation with a limitation on the issues in the present proceeding that would preclude U.S.-Balboa turnaround service under any new U.S.-South America route authority that may be granted. To do so would prevent consideration of such a service on even a temporary basis pending disposition of the Caribbean proceeding. National, or any other carrier, will have a full opportunity to attempt to establish that the Board as a matter of law must, or as a matter of discretion should, impose a long-haul con-

[3] See infra.

[4] By temporary exemption (Order E–14872, January 28, 1960), Pan American and Braniff were authorized to serve Brasilia. Braniff has not initiated service.

dition on any new authority that may come out of the case.

The United States-South America Route Case can now proceed to prehearing and hearing before an Examiner of the Board. The issues in the first stage will conform to those raised in Order E–17289, as modified herein. In accordance with Order E–17289, no further motions for modification, expansion, or consolidation will be considered in the first stage of this proceeding, nor will we entertain any motions for reconsideration of the actions taken herein. After decision as to the route pattern to be operated, interested parties will have an opportunity to submit proposals, through applications, for the particular routes: *Accordingly, it is ordered:*

1. That the issues as to the possible deletion of Delta's authorizations at Maracaibo and Caracas be excluded from this proceeding and that Delta be excluded as a party;

2. That issues as to new or amended authority related to Barranquilla and Guatemala be excluded from this proceeding;

3. That any issue as to the alteration, amendment or modification of Pan American's existing authority as described in its certificate for route 136 be excluded from this proceeding except to the extent its certificate authorizes Balboa-Miami service as a part of a United States-South America authorization, and the modification of the certificate designation as to the coterminal status of the northeastern United States cities named therein;

4. That Miami, Florida, Washington, D.C., and New York, New York, be considered as possible coterminals on route B, and Washington and New York be considered as possible coterminals on route A, and that Miami be considered as a separate terminal on route A;

5. That no traffic rights between the east coast United States points named in ordering paragraph 4 be considered;

6. That the possible deletion of Braniff's existing route authority between Houston, on the one hand, and Havana and Balboa on the other, and between Miami, on the one hand, and Havana and Balboa on the other be considered as it relates to United States-South America service;

7. That Rio de Janeiro and Sao Paulo be considered as possible points on both routes A and B;

8. That Brasilia be considered as a possible point on either route A or B but not both;

9. That exclusive all cargo route authorizations and issues are beyond the scope of this proceeding;

10. That Pan American's request to consolidate Docket 5140 be and hereby is denied;

11. That Houston, Texas, the Commonwealth of Puerto Rico, Aerovias Sud, Eastern, National and Mackey be and they hereby are granted leave to intervene;

12. That Trans Caribbean Airways be made a party to this proceeding and that the portion of its application in Docket 12993 which conforms to the designation of route B be consolidated and that the remainder of Docket 12993 be dismissed;

13. That Braniff's motion for consolidation of Dockets 12988 and 3482, as amended, be granted except as to the designation of Dallas as a coterminal point with Houston, and that the unconsolidated portions be dismissed, and that its application in Docket 12987 be dismissed;

14. That Pan American's restated applications in Dockets 2720, 4833, and 8597 be consolidated to the extent that they conform to the designated route B, and that its application in Docket 11609 be consolidated;

15. That Panagra's applications in Dockets 4159 and 12688 be consolidated;

16. That long-haul restrictions will not be included on either proposed routes A and B, but any interested party can support the necessity for the imposition of such a restriction to preclude any new United States-Caribbean Area turnaround service on a United States-South America route awarded as a result of this proceeding;

17. That the scope of the proceeding be expanded to include the issue as to the possible certification of San Francisco and Los Angeles, California, as coterminals on proposed route B, either in addition to, or in lieu of route A;

18. That, except to the extent granted herein, all motions, petitions and requests for relief be and they hereby are denied;

19. That this proceeding as instituted by Order E–17289, and as modified herein, be set for prompt hearing before an Examiner of the Board, and that no further motions for modification, expansion, consolidation, or reconsideration will be considered;

20. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–683; Filed, Jan. 19, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62–110]

SOUTHWEST GAS CORP.

Order Defining Issues

JANUARY 12, 1962.

By notice issued on December 29, 1961, the application of Southwest Gas Corporation (Southwest), for a certificate of public convenience and necessity, authorizing the acquisition and operation of the facilities of Nevada Natural Gas Pipe Line Co. (Nevada Natural), by the Applicant, was set for an abridged hearing commencing on January 25, 1962, concerning the matters involved in and the issues presented by such application.

In addition to the questions generally considered in connection with an application for a certificate of public convenience and necessity, it appears to be in the public interest that the Commission also consider, more specifically, whether the application, which involves a proposed merger of the Applicant with an interstate pipeline, should be granted in light of the policies and provisions of the antitrust laws of the United States. For this reason the Commission is of the opinion that a formal, rather than an abridged, hearing should be held in this proceeding.

The Commission finds:

(1) Southwest has filed an application under section 7 of the Natural Gas Act for permission, inter alia, to acquire the jurisdictional facilities of Nevada Natural, which acquisition will result from the merger of Nevada Natural with Southwest through the exchange of stock between the two companies.

(2) Southwest proposes to continue all the sales and services presently rendered by Nevada Natural and the latter company will cease to exist, if the Commission approves the proposed merger.

(3) It is necessary and appropriate in the public interest that the Commission, in considering whether to approve the acquisition of the facilities of Nevada Natural by Southwest take into account the policies and provisions of the antitrust laws.

The Commission orders:

(A) The Applicant, Southwest, shall submit evidence inter alia indicating whether its proposed acquisition of the facilities of Nevada Natural would be consistent with the policies of the antitrust laws.

(B) The hearing on the application of Southwest, filed in Docket No. CP62–110, shall convene for formal hearing at the same time and date provided for in the original notice of application, issued December 29, 1961.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–647; Filed, Jan. 19, 1962; 8:45 a.m.]

[Docket No. G–9262 etc.]

HOUSTON TEXAS GAS AND OIL CORP. AND COASTAL TRANSMISSION CORP.

Order Granting Application for Issuance of Subpoena Duces Tecum

JANUARY 17, 1962.

Houston Texas Gas and Oil Corp., Docket Nos. G–9262, RP61–3, and RP62–4; Coastal Transmission Corp., Docket Nos. G–9960 and RP61–4.

These proceedings involve requests to modify certificate conditions and proposed increased rates under sections 4, 7, and 15 of the Natural Gas Act. Direct cases have been submitted by the Respondents, Sun Oil Company (Sun), an intervener herein, and the Commission staff. These proceedings are presently in recess until January 29, 1962, at which time the Commission staff is to file its direct case on original cost studies made on the original construction costs of the subject project and a revised direct case reflecting these original cost studies.

On January 5, 1962, Sun filed an application for a subpoena duces tecum,

wherein it requested that a subpoena be issued to the President of the Respondent companies requiring him to produce certain memoranda, letters, schedules, reports and financial and other statements and to testify thereon on January 22, 1962. The documents requested to be produced are described in said application under paragraphs (A), (B), (C), (D), and (E).

In support of its application, Sun states that the documents identified in Items 1 through 6 under paragraph (A) of its application contain forecasts of operating results for the year 1960 through 1964 on the basis of operating the originally certificated facilities; that these estimates are necessary to assess the reasonableness of the proposed rates herein; and that the operating results of the parent company, Houston Corporation, are pertinent to these proceedings in that they relate directly to the amount of income taxes includable in the Respondents' costs of service. In support of its request for the report identified in paragraph (B) of its application, Sun states that the operating results anticipated under the newly certificated expansion program of the Respondents, which are contained in this report, are necessary to test the reasonableness of Respondents' rates and would update the information on this aspect of the case, which information is contained in Exhibit Nos. 44, 50, and 51 admitted to evidence in these proceedings. In support of its request for the financial statements identified in paragraphs (C) and (D) of its application, Sun states that similar financial statements were admitted into evidence, Exhibit Nos. 26, 27, 48, and 49, and that the subject financial statements are necessary to update this information especially in light of the recent development of the accrual of Federal income taxes on the books of Coastal Transmission Corporation. In support of its request for the statement identified in paragraph (E) of its application, Sun states that the estimates contained in the subject statement should be reviewed in testing the reasonableness of the proposed rates. Sun, further, states that the "requested information containing, among other matters, projections of sales and revenues beyond the first three years of operations, goes directly to the subject of anticipated revenues", which bears on the issue of whether the additional and improved loads beyond the development period would be the solution to the problem of improving the Respondents' rate of return. In addition, Sun states that production of these documents would not place a burden on Respondents.

The Respondents filed a joint answer to Sun's application for a subpoena duces tecum, wherein they agree to furnish copies of the documents described in paragraphs (C) and (D) of Sun's application. However, with respect to the documents described in paragraphs (A), (B), and (E) of Sun's application, the Respondents, while conceding that these documents contain future sales forecasts, contend that they are not relevant or material to the issues involved in these proceedings inasmuch as the forecasts go beyond the test period of these proceedings. However, in its application, Sun states that the Commission, in setting prospective rates, must look at the operating results anticipated under the expanded operations. In view of the statements of both the Respondents and Sun, it would appear that one of the issues involved in these proceedings is the proper test period for determining the reasonableness of Respondents' rates and, inasmuch as financing of the expanded facilities were not completed until December 22, 1961, it appears that the forecasts contained in the requested documents will not extend beyond the third year of operations of the expanded facilities.

Section 6(c) of the Administrative Procedure Act, 5 U.S.C. 1005(c), reads, in part, as follows:

> * * * Agency subpoenas authorized by law shall be issued to any party upon request and, as may be required by rules of procedure, upon a statement or showing of general relevance and reasonable scope of the evidence sought. * * *.

The Commission is empowered to issue subpoenas (section 14(c) of the Natural Gas Act) and has promulgated rules of procedure for issuance thereof (§ 1.23(a) of the rules of practice and procedure).

The documents requested by Sun in its application for a subpoena appear to be generally relevant and material to the issues involved in these proceedings and meet the requirements of our regulation for issuance of a subpoena duces tecum.

As stated hereinbefore, these proceedings are presently in recess until January 29, 1962. Sun, in its application, states that it intends to offer revised exhibits to reflect therein the pertinent data in the documents specified in its application and the results of the staff's original cost studies. In order to avoid further delay of these proceedings, Sun requests that the subpoena be returnable on January 22, 1962, one week prior to the scheduled reconvening of these proceedings. In view of the foregoing, it is determined that the subpoena ordered herein should be made returnable on the date requested by Sun.

The Commission orders: That an appropriate subpoena duces tecum, in the usual form, be issued to W. J. Bowen, President of Houston Texas Gas and Oil Corporation and Coastal Transmission Corporation, to compel him to appear and produce the documents described in paragraphs (A), (B), (C), (D), and (E) of Sun's application for issuance of a subpoena duces tecum filed herein on January 5, 1962, at a hearing to convene on January 22, 1962, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-732; Filed, Jan. 19, 1962; 8:51 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 406]

SECRETARY OF DEFENSE

Authority to Represent Interests of the Federal Government in the Matter of American Telephone & Telegraph Company

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of American Telephone & Telegraph Company, Tariff F.C.C. No. 134 (SCAN), before the Federal Communications Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective December 18, 1961.

BERNARD L. BOUTIN,
Administrator.

JANUARY 16, 1962.

[F.R. Doc. 62-676; Filed, Jan. 19, 1962; 8:50 a.m.]

THE RENEGOTIATION BOARD

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS, POWERS AND DUTIES

Miscellaneous Amendments

The Delegation of Authority with Respect to Certain Functions, Powers and Duties, dated February 8, 1952, and published in the issue of February 13, 1952 (F.R. Doc. 52-1777; 17 F.R. 1401), is amended in the following respects:

1. Section 1 is deleted in its entirety.

2. Section 2 is amended by deleting from paragraph (b) thereof the words "by section 1 of this delegation."

3. Sections 2, 3, 4, and 5 are hereby renumbered sections 1, 2, 3, and 4, respectively.

Dated: January 17, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62-670; Filed, Jan. 19, 1962; 8:49 a.m.]

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

The Statement of Organization published in the issue of September 28, 1956 (F.R. Doc. 56-7859; 21 F.R. 7467), as amended in the issues of July 23, 1957 (F.R. Doc. 57-6008; 22 F.R. 5848), and March 28, 1961 (F.R. Doc. 61-2702; 26 F.R. 2632), is hereby further amended as follows:

1. Section 3(b) is amended by deleting from the first sentence the word "three" and inserting in lieu thereof the word "two".

2. Section 3(b) is further amended by deleting the list under the heading "Location" and inserting in lieu thereof the following:

(1) Eastern Regional Renegotiation Board, 1634 Eye Street NW., Washington 25, D.C.

(2) Western Regional Renegotiation Board, 5504 Hollywood Boulevard, Los Angeles 28, Calif.

Dated: January 17, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62-671; Filed, Jan. 19, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-223 etc.]

ARKANSAS FUEL OIL CORP. AND CITIES SERVICE CO.

Order Approving and Releasing Jurisdiction in Respect of Certain Fees and Expenses

JANUARY 15, 1962.

In the matter of Arkansas Fuel Oil Corp. (Shreveport, La.), and Cities Service Co. (New York, N.Y.); File Nos. 54-223; 54-226; 54-227; 31-622; 54-186; 59-93; 70-1804.

In the above consolidated proceedings the Commission, pursuant to Section 11(d) of the Public Utility Holding Company Act of 1935 ("Act"), among other things, approved a plan, as modified (Holding Company Act Release No. 14260, July 14, 1960, approved and enforced by the United States District Court for District of Delaware, No. 2223, September 2, 1960), to effectuate compliance with the order issued September 20, 1957 (Holding Company Act Release No. 13549) under section 11(b)(2) of the Act. Under the plan, as modified, the 48.5 percent publicly-held minority stock interest in Arkansas Fuel Oil Corporation ("Arkansas"), a subsidiary company of Cities Service Company ("Cities"), a registered holding company, was eliminated by the payment to the public stockholders of Arkansas, of $41 in cash per share, or a total of $75,577,186. In the order approving the section 11(d) plan, the Commission reserved jurisdiction in respect of the allowance and allocation of fees and expenses, incurred in connection with the consolidated proceedings, which are to be paid by Cities.

Pursuant to notice given by the Commission, applications for the allowance of the fees and expenses or the approval of sums paid therefor, have been filed by the various parties to and participants in the consolidated proceedings.

Subsequently, as a first step in the procedure for determining whether the fees requested are for compensable services rendered and whether the amounts of fees and expenses requested are reasonable, the Commission in order to expedite the proceeding in respect thereof, and to assist it in making such determinations, requested Cities in writing (with a copy to each of the applicants) to advise the Commission, on or before July 25, 1961 (later extended to September 11, 1961), as to the amounts of fees and expenses which the company is willing to pay and which each of the applicants, after negotiations with the company, has indicated a willingness to accept as settlement in full of his request for allowance of fees and expenses in connection with the consolidated proceeding.

Cities and Joseph S. Gruss having agreed that he is to be paid $6,000, and Cities having agreed to pay fee claimant Paul F. Moore the full amount requested, i.e., fee $100 and expenses $250; and

The Commission having considered the applications filed by such persons and the amounts agreed upon; and being of the opinion that such amounts are for and in connection with necessary services and reasonable in amounts, and that the applications of such persons should be severed for disposition from the remaining applications and an order entered approving such fees and expenses, directing Cities to pay them, and releasing jurisdiction in respect thereof;

It is ordered, That the applications of Joseph S. Gruss and Paul F. Moore for allowance of fees and expenses be, and they are hereby, severed for disposition, that allowances in the amounts above stated be, and they are hereby, approved, and Cities is hereby directed to pay such amounts; and that the jurisdiction heretofore reserved in respect thereof is hereby released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-654; Filed, Jan. 19, 1962; 8:46 a.m.]

[File No. 70-4009]

KINGSPORT UTILITIES, INC., AND AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Issuance and Sale of Common Stock by Subsidiary and Acquisition Thereof by Holding Company

JANUARY 15, 1962.

Notice is hereby given that American Electric Power Company, Inc. ("American"), 2 Broadway, New York 8, N.Y., a registered holding company, and Kingsport Utilities, Incorporated ("Kingsport"), Roanoke, Virginia, an electric utility subsidiary company of American, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 10 of the Act as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

Kingsport proposes to issue and sell to American, from time to time prior to December 31, 1962, an aggregate amount of 55,600 shares of its no par value common stock, and American proposes to acquire said shares for a cash consideration of $10 per share or a total consideration of $556,000. Kingsport's presently outstanding common stock, all of which is owned by American, is carried in its common stock account at $10 a share. The stock will be issued to provide funds for Kingsport's 1961-1962 construction program as needed.

The joint application-declaration states that expenses incident to the proposed transactions are estimated not to exceed $856, including a Federal original issue tax of $556. It is also stated that the issuance and sale of the common stock will be authorized by the Tennessee Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 1, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-655; Filed, Jan. 19, 1962; 8:46 a.m.]

[File No. 70-4004]

NEW JERSEY POWER & LIGHT CO. AND JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Intrasystem Sales And Acquisition of Utility Assets

JANUARY 15, 1962.

Notice is hereby given that New Jersey Power & Light Company ("NJP & L") and Jersey Central Power & Light Company ("JCP & L"), both of Morristown, N.J., both public-utility subsidiary companies of General Public Utilities Corporation, a registered holding company, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 9(a)(1), 10, 12(d), and 12(f) of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the joint application-declaration on file in the office of the Commission for a statement of the proposed transactions which are summarized as follows:

NJP & L proposes to sell and JCP & L proposes to acquire all of NJP & L's right, title, and interest in and to all property used or useful in connection with certain projects designated (1) the Longwood Valley pumped storage project, (2) the Portland-Greystone-Whippany 230 Kv transmission line right-of-way, (3) the Portland-Franklin 115 Kv transmission line right-of-way, (4) the Franklin-Montville 115 Kv transmission line right-of-way, and (5) one-third of the West Wharton-Roseland right-of-way for the aggregate consideration of $2,763,799 being the book cost, which is also the original cost to NJP & L of the projects, plus the assumption of certain contractual obligations of NJP & L in connection with the projects and the amount of interest during construction on the book cost of all of the projects (except one project which has been completed) in an amount equal to ½ percent per month from June 1, 1961, to the date of settlement.

Applicants-declarants state that the proposed transactions are in implementation of a general program whereby, so far as is reasonably feasible, JCP & L, rather than NJP & L, is undertaking the construction of major generating and transmission additions to the systems of both companies. Applicants-declarants further state that the above described projects are substantial in size and that the larger company, JCP & L, is more readily able to finance the projects and that NJP & L and JCP & L may ultimately merge.

In the application-declaration the total fees and expenses in connection with the proposed transactions (including legal fees aggregating $2,550) are estimated at $5,000 all of which will be paid by JCP & L. It is stated that the proposed sales by NJP & L are subject to the approval of the Board of Public Utility Commissioners of the State of New Jersey, that the Federal Power Commission does not have jurisdiction over the proposed transactions by virtue of the provisions of section 318 of the Federal Power Act, and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 29, 1962, request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if any person served is located more than 500 miles from the point of mailing) upon each applicant-declarant, and proof of service (by affidavit, or as in the case of an attorney-at-law, by certificate) filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-656; Filed, Jan. 19, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 360]

FLORIDA

Declaration of Disaster Area

Whereas, it has been reported that during the month of January 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Okaloosa County in the State of Florida;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about January 5, 1962.

Offices—

Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.

Small Business Administration Branch Office, Third Floor, New First Federal Savings and Loan Building, 2030 First Avenue, North, Birmingham 3, Ala.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1962.

Dated: January 8, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-658; Filed, Jan. 19, 1962; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

B. Bennett Co., Inc., 123 Magazine Street, New Orleans, La.; effective 12-27-61 to 12-26-62 (work pants, work shirts).

Blue Bell, Inc., Prentiss County, Booneville, Miss.; effective 12-17-61 to 12-16-62 (men's shirts, women's and girls' blouses).

Blue Buckle Overall Co., 1415 Kemper Street, Lynchburg, Va.; effective 12-14-61 to 12-13-62 (women's dungarees, men's and boys' work clothes).

Chase City Manufacturing Co., Inc., Walker Street, Chase City, Va.; effective 12-19-61 to 12-18-62 (men's and boys' dungarees, single pants).

H. W. Gossard Co., Sullivan, Ind.; effective 12-28-61 to 12-27-62 (women's foundation garments).

Hickerson & Co., Brainerd, Minn.; effective 12-14-61 to 12-13-62 (men's wool utility coats and jackets).

Edward Hyman Co., Lake Street, Hazelhurst, Miss.; effective 12-20-61 to 12-19-62 (men's cotton twill work pants and shirts).

Metro Pants Co., Harrisonburg, Va.; effective 12-15-61 to 12-14-62 (boys' and men's dress pants).

Princess Peggy, Inc., Items Division, Belleville, Ill.; effective 12-15-61 to 12-14-62 (women's dresses).

The following learner certificate was issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Florence Fashions, Youngsville, N.C.; effective 12-13-61 to 12-12-62; 10 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Canton Manufacturing Corp., 307 South Second Avenue, Canton, Ill.; effective 12-14-61 to 6-13-62; 15 learners (men's and boys' cotton work pants).

Ridgely Manufacturing Co., Ridgely, Tenn.; effective 12-14-61 to 6-13-62; 20 learners (otherwear jackets for boys, men, women, etc.).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brookfield Mills, Inc., 206 North Elm Street, Sanford, Fla.; effective 12-15-61 to 12-14-62; 5 learners for normal labor turnover purposes (ladies' swim wear).

Ellwood Knitting Mills, Inc., 1110 Mecklen Lane, 911 Lawrence Avenue, Ellwood City, Pa.; effective 12-15-61 to 12-14-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted outerwear).

Each learner certificate has been issued upon the representations of the employers which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 12th day of January 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-652; Filed, Jan. 19, 1962; 8:46 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., Lenoir, N.C.; effective 12-1-61 to 11-30-62 (men's and boys' trousers).

Blue Bell, Inc., Luray, Va.; effective 12-1-61 to 11-30-62 (boys' and men's dungarees).

Cleardon Manufacturing Co., 216 West Fourth Avenue, Clearfield, Pa.; effective 11-30-61 to 11-29-62 (men's and boys' outerwear jackets).

Corman & Wasserman, Inc., 1220 Curtain Avenue, Baltimore 18, Md.; effective 12-3-61 to 12-2-62 (men's trousers).

Dublin Garment Co., Inc., Dublin, Ga.; effective 12-10-61 to 12-9-62 (men's sport shirts).

Duti-Duds, Inc., 1117 Clay Street, Lynchburg, Va.; effective 12-2-61 to 12-1-62 (women's service garments, women's cotton, nylon and dacron uniforms for maids and nurses).

Heath Springs Manufacturing Co., Heath Springs, S.C.; effective 11-27-61 to 11-26-62 (children's wear).

The Hercules Trouser Co., Hillsboro, Ohio; effective 12-1-61 to 11-30-62 (men's and boys' single pants).

The Hercules Trouser Co., Manchester, Ohio; effective 12-1-61 to 11-30-62 (men's and boys' single pants).

Hickman Garment Corp., Hickman, Ky.; effective 12-2-61 to 12-1-62 (men's, boys', kiddies', girls' and ladies' jackets and raincoats).

Hollywood Vassarette, Arkadelphia, Ark.; effective 12-4-61 to 12-3-62 (brassieres).

Hollywood Vassarette, Paris, Tex.; effective 12-4-61 to 12-3-62 (brassieres).

The Jay Garment Co., Portland, Ind.; effective 12-1-61 to 11-30-62 (men's cotton work clothing).

Lady Ester Lingerie Corp., 10th and Walnut Streets, Berwick, Pa.; effective 12-1-61 to 11-30-62 (ladies' slips).

Lowenstein Dress Corp., 425 Pleasant Street, Fall River, Mass.; effective 12-4-61 to 12-3-62 (ladies' dresses).

Manhattan Shirt Co., Poplar Hill Avenue and Calvert Street, 416 East Main Street, Salisbury, Md.; effective 12-1-61 to 11-30-62 (men's and ladies' shirts).

Manhattan Shirt Co., 717 Capouse Avenue, Scranton, Pa.; effective 12-1-61 to 11-30-62 (men's sport shirts).

Manhattan Shirt Co., U.S. By Pass No. 29 and No. 70, Lexington, N.C.; effective 12-1-61 to 11-30-62 (ladies' blouses).

Manhattan Shirt Co., Leeds Avenue, Charleston Heights, S.C.; effective 12-1-61 to 11-30-62 (men's dress and sport shirts).

Osted Manufacturing Co., Inc., 244 West Seneca Street, Oswego, N.Y.; effective 11-29-61 to 11-28-62 (dresses).

Primo Pants Co., Versailles, Mo.; effective 12-1-61 to 11-30-62 (men's pants).

Publix Tennessee Corp., Huntingdon, Tenn.; effective 12-1-61 to 11-30-62 (men's and boys' sport shirts).

Renovo Shirt Co., Inc., Mena, Ark.; effective 12-1-61 to 11-30-62 (men's and ladies' shirts).

Ridgely Manufacturing Corp., Ridgely, Tenn.; effective 12-2-61 to 12-1-62 (outdoor jackets for men, boys, women, girls and kiddies).

Schneierson Lingerie Co., 460 Globe Street, Fall River, Mass.; effective 12-1-61 to 11-30-62; 10 percent of the total number of factory production workers engaged in the production of women's and children's woven nightwear and underwear (women's and children's underwear and sleepwear).

Sun Garment Co., 2401 Hyde Parkway, St. Joseph, Mo.; effective 12-1-61 to 11-30-62 (shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Armored Garments, Inc., 223 Cabin Road, Spruce Pine, N.C.; effective 12-1-61 to 11-30-62; 10 learners (men's and boys' dungarees).

Bridgton Dress Co., Bridgton, Maine; effective 11-27-61 to 11-26-62; 10 learners (women's dresses).

Gloucester Pants Co., 377 Main Street, Gloucester, Mass.; effective 12-1-61 to 11-30-62; 10 learners (men's and boys' trousers).

Martin-Jay Dress Corp., 85 Guy Park Avenue, Amsterdam, N.Y.; effective 11-27-61 to 8-27-62; 5 learners (ladies' and misses' dresses).

Onalow Garment Industries, Piney Green Road, Jacksonville, N.C.; effective 11-28-61 to 11-27-62; 10 learners (raincoats, children's car coats).

Rock Hall Manufacturing Co., Rock Hall, Md.; effective 12-4-61 to 12-3-62; 10 learners (men's and boys' knit sport shirts).

Sorbeau Juvenile Manufacturing Co., 821 Central Avenue, Dubuque, Iowa; effective 12-1-61 to 11-30-62; 10 learners (infants' layette garments).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Ely and Walker, Dover, Tenn.; effective 11-28-61 to 5-27-62; 70 learners (work pants).

Heath Springs Manufacturing Co., Heath Springs, S.C.; effective 11-27-61 to 5-26-62; 25 learners (children's wear).

Onalow Garment Industries, Piney Green Road, Jacksonville, N.C.; effective 11-28-61 to 5-27-62; 10 learners (raincoats, children's car coats).

Pembroke Manufacturing Co., Inc., Highway 711, Pembroke, N.C.; effective 11-27-61 to 5-26-62; 10 learners (women's slacks, shorts, and pedal pushers).

Shawmut Manufacturing Co., New Bedford, Mass.; effective 11-30-61 to 5-29-62; 50 learners (women's dresses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Magnet Mills, Inc., Cullom Street, Clinton, Tenn.; effective 11-29-61 to 11-28-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless and full-fashioned).

Selma Hosiery Co., Dillon, S.C.; effective 12-2-61 to 6-1-62; 40 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as

amended, and 29 CFR 522.30 to 522.35, as amended).

Dothan Manufacturing Co., Dothan, Ala.; effective 12-1-61 to 11-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas and shorts).

National Knitting Co., 50 First Avenue, Royersford, Pa.; effective 11-27-61 to 11-26-62; 5 percent of the total number of factory production workers for normal labor turn-

Schnelerson Lingerie Co., 460 Glove Street, Fall River, Mass.; effective 12-1-61 to 11-30-62; 5 percent of the total number of factory production workers engaged in the production of women's and children's knitted underwear for normal labor turnover purposes (women's and children's knit underwear).

Each learner certificate has been issued upon the representations of the employers which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 12th day of January 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-653; Filed, Jan. 19, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 17, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37518: *Paper and paper articles from official territory.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2598, for interested rail carriers. Rates on paper and paper articles, also returned empty skids or platforms, wooden, and printing paper winding cores, in carloads, from points in official territory, to points in Illinois territory, also official—southern territory border points.

Grounds for relief: Market competition, short-line distance formula and grouping.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-667; Filed, Jan. 19, 1962; 8:48 a.m.]

[Notice 587]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 17, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64650. By order of January 12, 1962, the Transfer Board approved the transfer to Dale McLeod, doing business as McLeod Trucking Service, Reno, Nev., of Certificate in No. MC 52498, issued April 15, 1944, to Claude Cecil Rife, doing business as Rife Trucking Co., Yerington, Nev., authorizing the transportation of: General commodities, including household goods, excluding commodities in bulk, and other specified commodities, between Sacramento, Calif., and Yerington, Nev., and return to Sacramento; and between Minden, Nev., and Bridgeport, Calif. Service is authorized to and from the intermediate point of Wellington, Nev. Phil Jacobson, 510 West Sixth Street, Los Angeles 14, Calif., attorney for applicants.

No. MC-FC 64654. By order of January 12, 1962, the Transfer Board approved the transfer to Grocery Express, Inc., New York, N.Y., of Certificate in No. MC 80637, issued March 3, 1955, to Howard I. Sakin, New York, N.Y., authorizing the transportation of: Such commodities as are dealt in by wholesale grocery houses, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, Hudson, Union, Essex, and Middlesex Counties, N.J., and Fairfield County, Conn. Charles H. Trayford, 220 East 42d Street, New York, N.Y., attorney for applicants.

No. MC-FC 64683. By order of January 15, 1962, the Transfer Board approved the transfer to John D. Holmes, Jr., doing business as Vanguard Transportation Company, Avenel, N.J., of a portion of Certificate No. MC 113041 Sub 4 issued June 29, 1960, to AC Transportation, Inc., Woodbridge, N.J., authorizing the transportation, over irregular routes, of petroleum products (except asphalt and tar of any kind), alcohol, commercial solvents, paint, lacquer, cleaning solvents, and acetates, in bulk, in tank trucks, from points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J., to points in the New York, N.Y., Commercial Zone as defined by the Commission in 1 M.C.C. 665 and 2 M.C.C. 191, those in Dutchess, Rockland, Ulster, Sullivan, Orange, Nassau, Westchester, and Saratoga Counties, N.Y., and those in that part of Connecticut on and west of the Connecticut River; from New York, N.Y., to points in New Jersey; petroleum products (except medicinal oils, paraffin wax, hot asphalt, and hot tar), alcohol and inflammable solvents, inflammable lacquer and inflammable acetates, in bulk, in tank vehicles, from Bayonne, Bayway, and Jersey City, N.J., to points in Connecticut east of the Connecticut River; and lubricating oil, in bulk, in tank vehicles, from Douglasville, Pa., to Newark, N.J. Bowes & Miller, 1060 Broad Street, Newark, N.J., attorney for transferee. William D. Traub, 350 Fifth Avenue, New York 1, N.Y., representative for transferor.

No. MC-FC 64690. By order of January 12, 1962, the Transfer Board approved the transfer to V. C. Trucking Service, Inc., Maspeth, N.Y., of a portion of Certificate No. MC 114256, issued February 3, 1958, to Don-Dee Trucking Corporation, Ridgefield, N.J., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between New York, N.Y., and points in Bergen County, N.J. William D. Traub, 350 Fifth Avenue, New York 1, N.Y., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-668; Filed, Jan. 19, 1962; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during January.

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